5916. By Mr. SHOTT of West Virginia: Petition of Robert Witten, of Anawalt, McDowell County, W. Va., asking that Congress approve increased pension rates for Spanish-American War veterans; to the Committee on Pensions.

5917. Also, petition of Huntington (W. Va.) Chapter, American Association of Engineers, relative to the purchase of the George Washington engineering headquarters as a national monument; to the Committee on Public Buildings and Grounds.

5918. By Mr. SLOAN: Petition of L. B. Wallin and 68 others, for Senate bill 476 and House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5919. By Mr. STALKER: Petition of the citizens of Corning and Hornell, N. Y., urging Congress for the passage of the bill exempting dogs from vivisection in the District of Columbia or in any of the Territorial or insular possessions of the United States; to the Committee on the District of Columbia.

5920. Also, petition of the citizens of Ithaca, N. Y., and Bath, N. Y., urging Congress for the passage of bill exempting dogs from vivisection in the District of Columbia or in any of the Territorial or insular possessions of the United States as proposed by the International Conference for the Investigation of Vivisection; to the Committee on the District of Columbia.

5921. By Mr. STONE: Petition of 28 residents of Bethany, Okla., asking Congress to pass favorably on House bill 9233, to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5922. Also, petition of 19 residents of Tonkawa, Okla., asking Congress to pass favorably on House bill 9233, to prescribe a certain oath; to the Committee on the Judiciary.

5923. Also, petition of 33 residents of Vici, Okla., asking Congress to pass favorably on House bill 9233, to prescribe a certain oath; to the Committee on the Judiciary.

5924. Also, petition of 21 residents of the town of Tonkawa, Okla., asking Congress to pass favorably on House bill 9233, to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5925. Also, petition of 72 residents of Cherokee, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5926. Also, petition of 86 residents of the town of Byron, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5927. By Mr. TEMPLE: Petition of O. C. C. Pollock, R. F. D. 1, Canonsburg, and 230 others, favoring House bill 8976 for the relief of veterans of Indian wars and widows and minor orphan children of veterans; to the Committee on Pensions.

5928. By Mr. WHITLEY: Petition of citizens of Rochester, N. Y., urging passage of House bill 2562 to provide increased pensions for veterans of the Spanish-American War; to the Committee on Pensions.

5929. By Mr. WINGO: Petition of citizens of Texarkana, Ark., in behalf of Senate bill 476 and House bill 2562 to increase pensions of Spanish-American War veterans; to the Committee on Pensions.

SENATE

FRIDAY, *March 21, 1930*

(Legislative day of Monday, January 6, 1930)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. GOFF. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Kendrick	Shortridge
Ashurst	George	Keyes	Simmons
Barkley	Glass	La Follette	Smoot
Bingham	Glenn	McCulloch	Steck
Black	Goff	McMaster	Steiwer
Blaine	Goldsborough	McNary	Sullivan
Blease	Greene	Metcalf	Swanson
Borah	Grundy	Moses	Thomas, Idaho
Bratton	Hale	Norbeck	Thomas, Okla.
Brookhart	Harris	Norris	Townsend
Broussard	Harrison	Nye	Trammell
Capper	Hastings	Oddie	Tydings
Caraway	Hatfield	Overman	Vandenberg
Connally	Hawes	Patterson	Wagner
Copeland	Hayden	Phipps	Walcott
Couzens	Hebert	Pine	Walsh, Mass.
Cutting	Heflin	Ransdell	Walsh, Mont.
Dale	Howell	Robinson, Ind.	Waterman
Dill	Johnson	Robsion, Ky.	Watson
Fess	Jones	Schall	
Fletcher	Kean	Sheppard	

Mr. HARRISON. I desire to announce that my colleague the junior Senator from Mississippi [Mr. STEPHENS] is detained from the Senate by illness.

Mr. SHEPPARD. The junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

I also desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the London Naval Conference.

I also wish to announce that the senior Senator from Tennessee [Mr. MCKELLAR] and the junior Senator from Tennessee [Mr. BROCK] are both necessarily detained from the Senate on account of illness.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Eighty-three Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

Mr. CAPPER presented a petition of sundry citizens of Kansas City, Kans. and Mo., praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

Mr. BRATTON presented a petition of sundry citizens of Elida and vicinity, in Roosevelt County, N. Mex., praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

Mr. RANSDELL presented petitions of sundry citizens of New Orleans and Oil City, La., praying for the passage of legislation granting increased pensions to Spanish War veterans, which were ordered to lie on the table.

Mr. NORBECK presented a petition of sundry citizens of Tripp County, S. Dak., praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

Mr. GREENE presented a resolution adopted by the Board of Aldermen of the City of Rutland, Vt., favoring the passage of legislation dedicating October 11 of each year as General Pulaski's memorial day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, Revolutionary War hero, which was referred to the Committee on the Library.

Mr. BLAINE presented a resolution adopted by the convention of the Southern Wisconsin Teachers' Association, favoring the passage of legislation for the promotion of vocational rehabilitation, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Common Council of the City of Wauwatosa, Wis., favoring the passage of legislation dedicating October 11 of each year as General Pulaski's memorial day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, Revolutionary War hero, which was referred to the Committee on the Library.

He also presented a petition of sundry citizens of Cuba City, Wis., praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

He also presented resolutions adopted by La Crosse Aerie, No. 1254, of La Crosse, and Merrill Aerie, No. 584, of Merrill, both of the Fraternal Order of Eagles, in the State of Wisconsin, favoring the passage of legislation for the promotion of an old-age pension system, which were referred to the Committee on Pensions.

NAVAL LIMITATION

Mr. HALE. Mr. President, I present a telegram in the nature of a petition from the State of Maine Emergency Committee on the London Naval Conference. I ask that the telegram be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the telegram was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

PORTLAND, ME., *March 21, 1930.*

Hon. FREDERICK HALE,

Senate Office Building, Washington, D. C.:

Following message has been sent President Hoover and American delegation London: "Mr. President and members of the United States delegation to the London Naval Conference, we the undersigned strongly urge that negotiations at the London conference be conducted in full remembrance of the renunciation of war as pledged in the pact of Paris. We heartily indorse the policy of naval reduction as announced by the President in his Armistice Day address. Nothing short of substantial reduction will fulfill our expectations. Signed by more than 2,000 citizens of the State of Maine, Congressmen, State legislators, judges, college presidents and professors and other educators, clergymen, editors, lawyers, physicians, bankers, manufacturers, writers, merchants, city

and town officers, officers of the State grange, leaders of clubs and societies, housewives. Names will be forwarded by registered mail."

STATE OF MAINE EMERGENCY COMMITTEE
ON THE LONDON NAVAL CONFERENCE,
142 Free Street, Portland.
VINCENT B. SILLIMAN, *Chairman.*
ELSIE M. FILES, *Secretary.*

REPORT OF POSTAL NOMINATIONS

Mr. PHIPPS, as in open executive session, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day, March 21, 1930, that committee presented to the President of the United States the following enrolled bill and joint resolutions:

S. 3579. An act authorizing a per capita payment to the Shoshone and Arapahoe Indians;

S. J. Res. 69. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, Edmundo Valdez Murillo, a citizen of Ecuador;

S. J. Res. 72. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two citizens of Honduras, namely, Vicente Mejia and Antonio Inestroza;

S. J. Res. 100. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, Godofredo Arrieta A., jr., a citizen of Salvador; and

S. J. Res. 107. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, Señor Guillermo Gomez, a citizen of Colombia.

PASSAGE OF BRIDGE BILLS

Mr. DALE. Mr. President, out of order I ask permission to report from the Committee on Commerce five House bridge bills. These bills have been passed by the House without any objection from the War Department or the Department of Agriculture and have been approved by the Senate Committee on Commerce. They are bills relating to bridges in Illinois. The Senator from Illinois [Mr. GLENN] is very much interested in their immediate passage. I ask unanimous consent for their immediate consideration.

The PRESIDENT pro tempore. Without objection, the reports will be received. Is there objection to the present consideration of the bills?

Mr. SMOOT. I suppose there will be no discussion?

Mr. DALE. None whatever.

The PRESIDENT pro tempore. The Chair hears no objection.

ROCK RIVER BRIDGE, ILLINOIS

The bill (H. R. 8705) granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Rock River at or near Prophetstown, Ill., was read and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PECATONICA RIVER BRIDGE, ILLINOIS

The bill (H. R. 8706) to legalize a bridge across the Pecatonica River at Freeport, Ill., was read and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LITTLE CALUMET RIVER BRIDGES, ILLINOIS

The bill (H. R. 8970) granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River on Ashland Avenue near One hundred and thirty-fourth Street, in Cook County, State of Illinois, was read and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 8971) granting the consent of Congress to the State of Illinois to widen, maintain, and operate the existing bridge across the Little Calumet River on Halsted Street near One hundred and forty-fifth Street, in Cook County, State of Illinois, was read and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 8972) granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River on Ashland Avenue near One hundred and fortieth Street in Cook County, State of Illinois, was read and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GREENE:

A bill (S. 3983) for the relief of Ira L. Reeves; to the Committee on Military Affairs.

By Mr. BINGHAM:

A bill (S. 3984) to provide for the air marking of certain Government buildings; to the Committee on Commerce.

By Mr. BLAINE:

A bill (S. 3985) granting an increase of pension to Frank Brown (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 3986) granting back compensation to Anna M. Frederick; to the Committee on Finance.

By Mr. NORBECK:

A bill (S. 3987) granting a pension to Look-at-the-Road (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 3988) granting an increase of pension to Miranda J. Pickle; to the Committee on Pensions.

A bill (S. 3989) for the relief of Thomas F. McVeigh; to the Committee on Military Affairs.

By Mr. SIMMONS:

A bill (S. 3990) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Ira L. Elliott, a former employee of the Panama Canal, Canal Zone (with accompanying papers); to the Committee on Claims.

By Mr. HARRIS:

A bill (S. 3991) for the relief of the heirs of S. Rowland Smith; to the Committee on Claims.

By Mr. McMASTER:

A bill (S. 3992) to establish a revolving fund to be used for the employment of Indians on the various Indian reservations; to the Committee on Indian Affairs.

By Mr. THOMAS of Oklahoma:

A joint resolution (S. J. Res. 156) to pay the judgment rendered by the United States Court of Claims to the Iowa Tribe of Indians, Oklahoma; to the Committee on Indian Affairs.

A joint resolution (S. J. Res. 157) authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to begin October 4, 1930; to the Committee on Foreign Relations.

AMENDMENTS TO THE TARIFF BILL

Mr. THOMAS of Oklahoma submitted amendments intended to be proposed by him to House bill 2667, the tariff revision bill, which were ordered to lie on the table and to be printed, as follows:

On page 3, line 7, of the amendment of Mr. SIMMONS to the amendment of Mr. SMOOT as a substitute for section 336, after the word "report" insert a colon and the following: *"Provided,* That the authority of the commission to investigate and ascertain the costs of production, to make reports, and to perform any of the acts provided for in this section, shall apply to articles on the free list as well as articles on the dutiable list."

On page 314 add a new paragraph after line 12, as follows:

"(f) The Tariff Commission is hereby directed, within eight months from the passage of this act, to ascertain the approximate average cost per barrel to the oil refineries located on the Atlantic seaboard of crude petroleum delivered to them from the oil fields of the United States during the three years preceding 1930, and the present approximate average cost per barrel of crude petroleum from Lake Maracaibo, Venezuela, delivered to the same points. Such relative costs shall be immediately certified to the Speaker of the House of Representatives and to the President of the Senate for the information of the Congress."

AMENDMENT TO TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL—FORECLOSURE OF FARM MORTGAGES

Mr. BLEASE. Mr. President, I ask permission to offer a proposed amendment to the Treasury and Post Office Departments appropriation bill, together with a set of resolutions passed by the House of Representatives of South Carolina the day before yesterday and my reply thereto in a letter. I ask that it all be printed in the RECORD and referred to the Committee on Appropriations.

There being no objection, the amendment and accompanying resolution and letter were referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. BLEASE to the bill (H. R. 8531) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1931, and for other purposes.

On page 15, after the period on line 4, insert the following:

"That the said board shall instruct the officials of all banks under their control not to foreclose any lien or mortgage held by them upon any real estate, which is or will become due and payable prior to October 1, 1931."

HOUSE OF REPRESENTATIVES,
STATE OF SOUTH CAROLINA,
Columbia, March 19, 1930.

A resolution introduced in the house of representatives, March 19, 1930, by Messrs. Cook and Thompson and adopted

Whereas the conditions of those living upon the farms of South Carolina have been financially depressed for the last several years; and

Whereas there is now pending in the National House of Representatives legislation looking to the relief of those owning farms throughout the United States upon which said farms there may be mortgages to the Federal land bank; and

Whereas this legislative body feels that it would be to the best interest of the country as a whole to have passed through the National House of Representatives such legislation: Now, therefore, be it

Resolved by the house of representatives, First, that we approve the legislation pending in the Congress of the United States looking to the relief of those owning farms mortgaged to the Federal land bank, and hereby request that if possible these people be relieved from any further foreclosure proceeding for a period of three years.

Second, that a copy of this resolution be forwarded immediately by the clerk of the house to each of the two Senators from this State and each Member in Congress from this State.

J. WILSON GIBBES,
Clerk of the House.

WASHINGTON, D. C., *March 20, 1930.*

Hon. J. WILSON GIBBES,
Clerk of the House of Representatives, Columbia, S. C.

DEAR SIR: Copy of resolution in reference to the relief of those owning farms mortgaged to the Federal land bank, introduced by Messrs. Cook and Thompson, and adopted March 19, 1930, received this day.

On December 12, 1928, I offered an amendment to H. R. 14801, the Treasury and Post Office Department appropriation bill, as follows:

"Amend, on page 14, providing for Federal Farm Loan Bureau, by adding at the end of line 24, as follows:

"'That the said board shall instruct the officials of all banks under their control not to foreclose any lien or mortgage held by them upon any real estate which is or will become due and payable prior to October 1, 1929.'"

* * * * * * *

On December 14, 1928, I introduced a joint resolution, as follows:

"By Mr. BLEASE: A joint resolution (S. J. Res. 178) to instruct officials of Federal Farm Loan Board and subsidiaries not to foreclose any mortgage on real estate which is or will become due and payable prior to October 1, 1929; to the Committee on the Judiciary."

* * * * * * *

I have been working since that time, endeavoring to have something done along the lines mentioned, and shall continue my efforts in that direction, both on the floor of the Senate, as I have done, and otherwise.

I am glad that your house has gone on record in the matter, and I shall have the resolution placed in the CONGRESSIONAL RECORD.

Very respectfully,

COLE. L. BLEASE.

POLICE AFFAIRS IN THE DISTRICT OF COLUMBIA

Mr. BLEASE. Mr. President, some time ago I introduced a resolution in reference to the police department and crime conditions in the District of Columbia. One U. S. Grant, one Henry Pratt, one grand jury, one Leo Rover, one Washington Post, and some others, including certain citizens associations, said that I did not know what I was talking about and that conditions here were not such as I stated.

The Washington Post of Sunday, November 24, 1929, stated editorially, among other things:

False impressions have been spread abroad concerning conditions in Washington. The grossly exaggerated statements of men in Congress have made it appear that Washington is undergoing a reign of terror and chaos, with crime rampant and the public-safety authorities both corrupt and incompetent. This is an utterly false picture of Washington.

Since that time I have placed in the CONGRESSIONAL RECORD enough proof to convict all of them of being falsifiers. See CONGRESSIONAL RECORD of March 8, 1930, and March 18, 1930, and so forth. I know that a court does not usually allow cumulative evidence, but I am presenting some more this morning which was published in the Washington Post itself, which said editorially that my former statements were not true.

Mr. President, I know a great deal about conditions in the District that I have not yet placed in the CONGRESSIONAL RECORD. I have several affidavits which I have not yet placed in the CONGRESSIONAL RECORD which show that those people who said "BLEASE did not know what he was talking about" were ignorant or they were deliberately falsifying the record to protect crime and criminals.

There is more yet to come, and we will see whether there was sufficient foundation for the resolution which I introduced. Truly I can say, "On with the dance, let joy be unconfined."

I ask that two articles appearing in this morning's Washington Post may be published in the RECORD in connection with my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The articles are as follows:

EXTORTION CHARGES FILED AGAINST THREE IN POLICE SHOOTING—SENATE INQUIRY THREATENS AS FORMAL CHARGES ARE PLACED—GRAFT ACCUSATION INCLUDES VICTIM—CROTTS'S PARENTS DENIED ACCESS TO HIM IN NEW ORDER—SWORTZEL, GIRLS ARE FREED ON BONDS—MAN, ARRESTED IN HOTEL, IS HELD IN CONNECTION WITH SUNDAY HOLDUP

A congressional investigation of the "shakedown" scandal in the police department was threatened late yesterday, as charges of attempted extortion—a felony under the District law—were preferred against a policeman and two civilians, and two girl inmates of a disorderly house and two men, one a policeman, were held as Government witnesses.

The situation has developed out of the shooting early Wednesday of James Crotts, young bricklayer and carnival motordrome rider, by Policeman S. F. Gravely, of the third precinct, who apparently was "on duty" outside his own bailiwick without the knowledge or consent of any of his superior officers.

According to a comparison and summarization of the many garbled and complicated stories which have come to the police, Crotts was shot when he attempted to escape after a girl had complained to Gravely and Detective W. F. Burke, also of the third precinct, that Crotts, Policeman Ardie C. Swortzel, of the fourth precinct, and another man, John C. Elgin, had attempted to "shake her down" for $30 in a disorderly house where she and another girl were staying.

HEARING DUE TO-DAY

The charges of attempted extortion were filed against Crotts, Swortzel, and Elgin early last night, and the latter two are to be given a preliminary hearing in police court to-day. Crotts is near death in Casualty Hospital, where physicians last night stated that he has a slight chance to recover.

Swortzel, who has been held a prisoner at the third precinct since the shooting, was released last night when bond of $1,000 was posted for him by Pat O'Connor, a professional bondsman. Rose Marie Foster and Frances O'Brien, the two girls, were also released from the house of detention when bonds of $2,000 and $1,000, respectively, were posted for them by Edward Buckley, another professional bondsman.

Lieut. Ed Kelly, chief of the homicide squad, and Headquarters Detective Arthur T. Fihelly visited Crotts last night in the hospital and gave orders there that the patient is to be held incommunicado, and that not even his parents are to be permitted to see him.

CROTTS CALLED ROBBER

According to police, James Whitely, of Massachusetts Avenue, near Thirteenth Street NW., assistant engineer at the Wardman Park Hotel, yesterday identified a picture of Crotts, published in the Post, as that of a man he said held him up at the point of a pistol Saturday night.

The police incidental report, made at the second precinct, quoted Whitely as saying that he had been accosted on K Street, near Twelfth, by the man who stuck a gun in his ribs and ordered him to "grab for the stars." Crotts lives in that block.

Whitely said he refused to "stick 'em up" and that thereupon the gunman lost his nerve and fled. He is to be taken to the hospital to-day to verify his identification.

The release of Swortzel and the two girls leaves five men still in custody, including Crotts and Policeman Gravely, who has been "requested" by Capt. William G. Stott, commander of the third precinct, to remain there until further notice.

ALL ARE LISTED

Those now held include Elgin and Crotts, against whom the attempted extortion charges stand; Hugh C. Hummel, of Plainfield, N. J., a "customer" in the disorderly house on First Street NW., near Thomas Street, and in front of which the shooting occurred; Gravely, who is to face the police trial board next Wednesday on a charge of misusing his serv-

ice revolver; and John C. Cornell, who was arrested by Burke in a hotel here shortly after the shooting, and is held for investigation in connection with a reported holdup of the same First Street house early Sunday morning. In that robbery jewelry valued at $1,655 and $165 in cash was reported stolen from eight men and four girls by three gunmen.

It was to find Cornell that Burke, assigned to the task by Lieut. Ed Kelly, chief of the homicide squad, had gone to the First Street address with Gravely Tuesday night. As they arrived there in a police automobile, they were hailed by the Foster girl, who told them that Swortzel, Crotts, and Elgin had attempted to "shake her down" for $30.

Inspector Thaddeus Bean, who is investigating the affair, yesterday turned the spotlight upon the possibility that Burke's connection with the case might have been founded upon something more than a mere casual speaking acquaintance with the proprietor and inmates of the disorderly house, which is located in the eighth precinct.

REPORT IS MYSTIFYING

One question still unanswered is why Della Greathouse, landlady, should have gone to Burke, a third precinct policeman, to report the Sunday morning robbery instead of to the eighth precinct or direct to headquarters.

In her affidavit given to Inspector Bean Wednesday the Foster girl stated that she had met Burke and Gravely while she was formerly in the third precinct, and that it was because of her previous acquaintance with the two policemen that she had recognized them and told them of the attempted extortion. The extent and duration of this acquaintance is another point which Inspector Bean feels should be straightened out.

It is expected that the police trial board will reach the cases of Policemen Swortzel, charged with prejudicial conduct, and of Gravely by next Wednesday. Whether an extortion charge will be brought against Crotts, Swortzel, and Elgin, whether any charges will be prosecuted against Gravely by the district attorney, and whether trial board action will be taken against Burke, are questions which have not yet reached the point of answer.

GIRL FACES CHARGE

In addition to being held as a witness, the Foster girl also is under arrest under bond of $1,500 on a charge of operating a disorderly house, the result of a raid staged in the third precinct last November 13. This warrant was served on her by the first precinct after she was lodged in the house of detention Wednesday.

Senator ROBSION (Republican), of Kentucky, chairman of the police and fire subcommittee of the Senate District Committee, announced that he would call a meeting early next week to decide on a course of action.

Whether the subcommittee investigates, he said, will depend on what has been done by other agencies, including the district attorney's office and the police department itself. If these have acted in a way that satisfies the subcommittee, Senator ROBSION said, then probably nothing will be done about the matter at the Capitol.

OUTCOME OF WOUND AWAITED

District Attorney Leo A. Rover said yesterday that if Crotts does not survive his wound, Gravely will be arrested and held for the coroner's jury. If Crotts lives, the probability is seen that Gravely may be brought into court on a charge of assault. In addition to the criminal charge against Swortzel, which is to be aired in police court, he also will go before the police trial board next Wednesday on a charge of conduct prejudicial to the reputation and good order of the police department.

Mr. Rover yesterday reiterated his statement that Burke was not working for his office at the time of the shooting, his last job for the district attorney's office being a raid staged Saturday night on a disorderly house on U Street, around the corner from the scene of Tuesday night's affair.

The district attorney stated that Gravely never had done any work for his office. About three weeks ago, however, Assistant District Attorney R. F. Camalier, under whose direction Burke had worked when on such duty, personally accompanied both Burke and Gravely on a raid at a disorderly house operated by a negro woman on French Street NW.

ONE THOUSAND-GALLON STILL NABBED BY POLICE; 10,000 GALLONS OF MASH ARE SEIZED AND THREE ARE ARRESTED

Police of the second and twelfth precincts seized 10,000 gallons of mash and a 1,000-gallon still in a raid early yesterday on a dwelling in S Street near Third Street NE.

Charged with the manufacture and possession of whisky, John Gotzinger, 48 years old, of Branchville, Md.; George Nekolou, 40 years, of Branchville, Md.; and Frank Henry Ippolito, 28 years old, of H Street near First Street NE., were arrested by the raiders. Each was held in $2,500 bond.

The raiders were led by Capt. O. T. Davis, of the second precinct. Others who participated were Sergt. J. Y. Wittstatt and Policeman J. A. Hunt, of the second precinct, and Policemen Watson Salkeld, C. D. Poole, J. J. Donovan, and H. L. Traux, of the Twelfth precinct.

EXECUTIVE MESSAGES

Sundry messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

The PRESIDENT pro tempore. The Senate has under consideration Schedule 2.

Mr. McMASTER. Mr. President, I wish to call up the plate-glass amendment, which is pending.

The PRESIDENT pro tempore. The amendment will be read for the information of the Senate.

The CHIEF CLERK. On page 49, strike out lines 3 to 17, inclusive, and insert in lieu thereof the following:

PAR. 222. (a) Plate glass, by whatever process made, not exceeding 384 square inches, 12½ cents per square foot; above that, and not exceeding 1,008 square inches, 17 cents per square foot; all above that, 19¾ cents per square foot: *Provided*, That none of the foregoing measuring three-eighths of 1 inch or over in thickness shall be subject to a less rate of duty than 50 per cent ad valorem.

(b) Plate glass containing a wire netting within itself, not exceeding 384 square inches, 13½ cents per square foot; above that and not exceeding 720 square inches, 20 cents per square foot; all above that, 23 cents per square foot.

(c) The term "plate glass," when used in this act, means glass wholly ground and polished on both surfaces.

Mr. GOFF. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. GOFF. What is the character and status of the proposed amendment?

The PRESIDENT pro tempore. The motion of the Senator from South Dakota is to strike out and insert. The Senator from South Dakota may desire to explain the amendment.

Mr. GOFF. I desire to inquire of the Chair if the amendment is now in order.

The PRESIDENT pro tempore. It is.

Mr. McMASTER. Mr. President, the amendment, which is lying on the desk, is a compromise between the rates inserted the other day and the rates in the 1922 act. In the bracket of 384 square inches the duty will be 12½ cents, and that is the same as was included in the amendment which was adopted here the other day in regard to plate glass.

The next portion of the amendment increases the size of glass falling in the next bracket from 384 square inches up to 1,008 square inches. The duty in that bracket was placed, as I recall, at 17 cents in the amendment which was adopted here the other day. This amendment places it at 17 cents. Then from that point on the rate is 19¾ cents in this amendment, which is, of course, a compromise over the other amendment.

While I can not estimate exactly what this reduction is over the amendment adopted the other day, I should say that it is just about half on some of the larger brackets.

Mr. President, I am going to be very brief in the remarks which I make in regard to this matter. It was contended here the other day that men were thrown out of employment on account of foreign competition; that production was on the decrease. I wish to read from the American Plate Glass Review under date of March 15, 1930, a short statement issued by the Pittsburgh Plate Glass Co. Mind you, the statement was issued on March 15, 1930. It is a glowing account of the prosperity of that company. It states that in 1929 their production exceeded that of any previous year. The following statement from this company, mind you, issued only a few days ago, gives a picture of the plate-glass industry. This company says:

Two new plants were placed in operation by the industry during the year—

That is, during 1929—

and three additional ones will be on a producing basis within the next few months. These include our new Ford City plant, which was put into successful operation last July, and our new Crystal City plant, the completion of which has been somewhat delayed, but which will be in operation during the present month. These plants take place of the old plants at those locations. The new plants are designed to produce polished plate glass of either one-eighth inch or standard thickness. They were constructed without seriously hampering production at the old plants. Our total production of plate glass in 1929 slightly exceeded the total of any previous year. In addition to these two major programs many improvements to our other plate-glass plants were made.

Now listen—

The total potential domestic capacity will reach 225,000,000 square feet before the end of the year, and the estimated capacity for 1931 is 250,000,000 square feet.

Considering the fact that in 1929 the total production of plate glass was 150,000,000 square feet, and inside of two years these plants expect to increase that production to 250,000,000 square feet, it shows that they are looking forward to a great era of prosperity and increased production in the plate-glass industry.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Missouri?

Mr. McMASTER. I yield.

Mr. PATTERSON. Is it the Senator's idea that the production should be decreased?

Mr. McMASTER. Mr. President, the idea is that the foreign imports amount now to less than 10,000,000 square feet. Within the next two years the plate-glass industry expects to increase its production by more than 100,000,000 square feet. In the case of an industry which is growing in its production by leaps and by bounds, what reason or what necessity is there for placing an embargo upon the importations of plate glass into this country?

In the statement which I have read—and it is not my statement, but is the statement made by the Pittsburgh Plate Glass Co., of Pittsburgh—they go on to state the great prosperity that they had in 1929. They are looking forward to almost a 100 per cent increase in their business. Under those circumstances, what justification can there be for placing an embargo upon the importation of plate glass?

Mr. PATTERSON. Mr. President, there were 11,000,000 square feet imported last year; and that, too, under the higher rate fixed by presidential proclamation.

Mr. McMASTER. The importations were approximately about 10,000,000 square feet, and they are decreasing this year. The rates, I will say to the Senator from Missouri, which I have inserted in the amendment are a compromise with the rates which were adopted the other day. The rates, then, were increased upon a set of facts which were absolutely obsolete. I think that if Senators who voted for that amendment the other day will vote for the amendment I now offer they will be saved considerable embarrassment in explaining the vote which they cast the other day.

Mr. SMOOT. Mr. President, I should like to make an analysis of the amendment, so that the Senate may understand just what it really means.

The Senator asks that we strike out the bracket up to 720 square inches, with a rate of 19 cents per square foot, and all above that 22 cents a square foot, and insert increase the limitation to 1,008 square inches, with a duty of 17 cents a square foot, all glass above that size to be dutiable at a rate of 19¾ cents per square foot.

This will be the effect of the amendment: It will allow all of the smaller sizes of glass to come in at a lower rate. The present law runs only to 720 inches in the smaller sizes. If the Senator's amendment shall be agreed to, the smaller sizes would run up to 1,008 square inches.

Mr. McMASTER. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from South Dakota?

Mr. SMOOT. Certainly.

Mr. McMASTER. The Senator has made apparently a correct statement, but I want to call the attention of the Senate to the fact that the 17-cent rate on plate glass up to 720 square inches, which is included in my amendment under a greater dimension, is the same as in the amendment adopted the other day in that bracket.

Mr. SMOOT. I am telling the Senate just what the effect of the amendment will be.

Mr. McMASTER. Very well. And then I will give the Senate the true picture of it.

Mr. SMOOT. I am trying to do that without making any comment on the amendment at all. That was my object, namely, to state the effect of the Senator's amendment, and if I make any mistake the Senator may correct me.

As I have said, the Senator's amendment strikes out 720 square inches at 19 cents per square foot and raises the 720 square inches to 1,008 square inches, with a rate of 17 cents per square foot. On all plate glass above 1,008 square inches the rate the amendment provides for is 19¾ cents per square foot. The presidential proclamation fixed the rate at 22 cents.

Mr. McMASTER. That is on glass over 1,008 square inches.

Mr. SMOOT. That is what I say.

Mr. McMASTER. That is correct.

Mr. SMOOT. The statement I just made was that the presidential proclamation fixed the rate on that size glass at 22 cents a square foot. What the Senator says in relation to the 17-cent rate applies to the sizes he has indicated. Under his amendment there is provided a rate of 17 cents on plate glass 1,008 square inches and less. That is the situation.

Mr. McMASTER. Mr. President, will the Senator yield for a moment?

Mr. SMOOT. Certainly.

Mr. McMASTER. The rate in this amendment is 17 cents from 384 square inches to 720 square inches. That is the same rate as that provided in the presidential proclamation, is it not?

Mr. SMOOT. No; by proclamation of the President it was raised to 19 cents.

Mr. McMASTER. Well, the rate I propose is 2 cents less than that under the presidential proclamation but 2 cents more than the law of 1922.

Mr. SMOOT. That is, on those sizes.

Mr. McMASTER. Yes. So it is an exact compromise of 2 cents a square foot.

Mr. SMOOT. I am not disputing that. I am only showing what the effect of the amendment is. It is a reduction of 2 cents below the rate provided by presidential proclamation in the small sizes and 2¼ cents on the sizes above 1,008 square inches.

Mr. McMASTER. Yes; that is the amendment.

Mr. SMOOT. That is the amendment.

Mr. GOFF. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from West Virginia?

Mr. SMOOT. Yes.

Mr. GOFF. I should like to ask the Senator, while he is on his feet, to express, in view of his analysis of the proposed amendment, what would be the result in the way of importations—whether they would be increased or decreased; and if so, how much?

Mr. SMOOT. No one could tell how much; but, of course, the amendment would provide a lower rate, and the importations would undoubtedly increase.

Mr. GOFF. The statement has been made—and I understand that it is correct—that last year there were about 11,000,000 square feet imported.

Mr. SMOOT. I can give the Senator the exact figures.

Mr. GOFF. The adoption of this amendment would probably increase the importations, measured in square feet, very enormously, would it not?

Mr. SMOOT. I can not say how much it would increase the importations, but there is no doubt that it would increase them. The importations last year were 10,932,201 square feet.

Mr. GOFF. They were approximately 11,000,000 square feet.

Mr. SMOOT. They were approximately 11,000,000 square feet.

Mr. FLETCHER. Mr. President, may I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. FLETCHER. I did not catch the change made in the rate made in the present law.

Mr. SMOOT. This amendment makes a different division as to sizes. In the present law, as well as in the bill, there was a division above 720 square inches; but there was another division between 720 square inches up to 1,008 square inches. That one division the Senator from South Dakota proposes to strike out so that all those smaller sizes would fall in the bracket up to 1,008 square inches. That is the result.

Mr. FLETCHER. The amendment does that?

Mr. SMOOT. The amendment does that.

Mr. FLETCHER. It strikes out one bracket?

Mr. SMOOT. It changes the brackets.

Mr. FLETCHER. And that affects the rate?

Mr. SMOOT. That affects the rate on the smaller sizes.

Mr. McMASTER. Not on the smaller sizes.

Mr. SMOOT. Yes.

Mr. McMASTER. The 12½-cent rate covers all the smaller sizes, and that has not been changed at all. The 12½ cents a foot rate covers the smaller sizes.

Mr. SMOOT. What I am saying is that at present there is a bracket between 720 square inches and 1,008 square inches, and I said that under the Senator's amendment that bracket is abolished; and so glass between those sizes will fall in a bracket where they do not fall under the law to-day.

Mr. McMASTER. I will say to the Senator from Florida, if he will yield to me a moment, that the small sizes are included in that 12½-cent rate. That has been the rate and that is the rate which was incorporated in the amendment the other day. Then on the sizes from 384 inches up to 720 inches my amend-

ment carries 17 cents, which is 2 cents more than the rate in the act of 1922 and 2 cents less than the rate provided in the amendment which was adopted the other day. I want, however, to call the attention of the Senator to the fact that the vast bulk of the plate glass sold and used in the United States comes below the 720 square inches in size, and of that on which the rate is 12½ cents there is not one foot imported in the United States to-day, and there can not be any glass imported of the smaller sizes, which is covered by the 12½-cent rate, because the rate itself forbids the importation of that size.

Mr. GOFF. Mr. President, in the light of what has been admitted and denied in the debate so far, there is no question that the adoption of the amendment now proposed by the Senator from South Dakota would materially increase importations.

The chairman of the Committee on Finance says that in the light of the evidence in his possession he can not state how many square inches of plate glass would be imported under this amendment; but he says approximately that last year, according to the latest and most accurate figures, there were at least 11,000,000 square inches imported.

Mr. McMASTER. Mr. President, will the Senator yield?

Mr. GOFF. I will.

Mr. McMASTER. May I ask the Senator from West Virginia roughly, in his estimation, what he would predict as to the amount of importations under this amendment—just roughly speaking?

Mr. GOFF. It is very difficult to say, because when the Senator asks me to indulge my imagination upon a subject on which it would almost seem, with due respect to the Senator from South Dakota, that his own imagination is dormant, he has asked me to awaken a very unusual condition.

Mr. McMASTER. I thought the imagination of the Senator was already awakened, because he made the general statement that the imports would be increased enormously; and I was wondering just what the inspiration was that did awaken his imagination on that subject.

Mr. GOFF. What aroused my slumbers was the statement made by the senior Senator from Utah and agreed to by the Senator from South Dakota in its generalities. I should say—and I am going to be just as good a guesser as any Senator here—that it would increase the importations from about 11,000,000 to 18,000,000 square inches.

Mr. McMASTER. I am glad the Senator has made that prediction. For eight years the rates of 1922 prevailed, lower than the rates which I have inserted in my amendment. On the average of the last three or four years the total importations have not been more than 15,000,000 square inches. How can we raise the rates on plate glass and then have the importations jump to 18,000,000 square inches?

Mr. GOFF. The way it can be done is this, Mr. President: Europe to-day, especially in Belgium, Czechoslovakia, and Germany, is engaged in producing to the utmost a greater increase in plate glass; and if the opportunity is given in any way to introduce that glass into the markets of the United States it will be done, and it will be done in an ever-increasing volume.

Europe is producing plate glass at a very much lower cost of production than it can be produced in this country at this time, and to reduce this rate so as to hold out an inducement to increase the importations has simply this effect: It tends to interfere with the present business stability in this industry, and if we do that here at the present time we are not only discouraging the economic outlook but we are throwing people out of employment.

I know that it is not a popular thing at the present time with many men upon the floor of the Senate to say that the tariff has anything to do with unemployment or with the general subject of employment, but I know as a business proposition, as sound as it is economic, that if we disturb our business stability in any sense of the word we decrease the productivity of the business so disturbed, and when we decrease such productivity in any degree we interfere with the employment and the stability of American labor.

Mr. President, without any question that is obviously the direct effect of the amendment proposed. After the Senate has considered these matters and given these questions its most deliberate judgment, the conclusions of yesterday are disturbed to-day by some one bringing in an additional amendment, although at the time the matter was previously seriously considered and decided this amendment was not considered worthy of being presented to the Senate.

Mr. McMASTER. Mr. President, will the Senator yield at that point?

Mr. GOFF. I have not much more time, but I yield.

Mr. McMASTER. I desire to suggest to the Senator that this matter was brought up on the floor of the Senate and the 1922 rates were restored, and this agitation was started by the plate-glass people, and the matter was reconsidered and then the presidential rates were restored. All that I have done is this: The Senate has passed two judgments upon this matter, and I have offered a compromise about halfway between the two.

Mr. GOFF. I know, Mr. President; and that is just exactly what the Senate is being asked to do. We pass deliberately upon a question of this character; and then, within the next two or three days, the Senate is asked to reverse its conclusions and to pass upon a question which is clearly, in any sense of the word, res adjudicata.

Mr. HARRISON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Mississippi?

Mr. GOFF. Yes; I yield.

Mr. HARRISON. The real argument, all the facts, everything, were presented to the Senate in Committee of the Whole touching this matter. At that time the enormous profits made by certain people engaged in this business in the United States were shown, and how a reformation was taking place with reference to the installation of new and modern machinery; and the judgment of the Senate, following that deliberate and full discussion, was that this great increase should not be granted. It was after a short debate, after just a cursory argument, that the Senate then undid what we had already done, and we are now put in this position.

It seems to me that under the force of the Senator's argument the Senator certainly is within his rights, and that his amendment ought to be adopted, because it is carrying out the judgment of the Senate rendered after a full consideration of this question.

Mr. GOFF. Mr. President, I have never meant even to insinuate, let alone intimate, that the Senator was not within his rights. Of course he is within his rights, because the Chair has so ruled, but what I am saying is this:

The Committee of the Whole did pass a judgment contrary to what was passed by the Senate when the bill was in the Senate; and, as I understand the underlying principle, it was this: We are not to judge an industry in this country by the successful conduct of that business by one or two individuals. We are to judge this industry in its broad sense and in the light of the general conditions that surround all the different plants that are engaged in the production of plate glass. We are not to judge the plate-glass industry by the success or the failure of the Pittsburgh Glass Co. This whole matter to-day is based simply upon this proposition: That the Pittsburgh Glass Co. has announced that it has been successful; that it, for the want of a better term, has such a monopoly upon this business that it is indifferent to the struggles of its competitors; and that therefore we should penalize those who possess a lesser capacity to carry on and produce a stable production.

I submit, therefore, under the facts as they are, that this amendment should not be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from South Dakota [Mr. McMASTER].

Mr. HARRISON. I make the point of no quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Kendrick	Sheppard
Ashurst	George	Keyes	Shortridge
Barkley	Glass	La Follette	Simmons
Bingham	Glenn	McCulloch	Smoot
Black	Goff	McMaster	Steck
Blaine	Goldsborough	McNary	Steiwer
Blease	Greene	Metcalf	Sullivan
Borah	Grundy	Moses	Swanson
Bratton	Hale	Norbeck	Thomas, Idaho
Brookhart	Harris	Norris	Thomas, Okla.
Broussard	Harrison	Nye	Townsend
Capper	Hastings	Oddie	Trammell
Caraway	Hatfield	Overman	Tydings
Connally	Hawes	Patterson	Vandenberg
Copeland	Hayden	Phipps	Wagner
Couzens	Hebert	Pine	Walcott
Cutting	Heflin	Pittman	Walsh, Mass.
Dale	Howell	Ransdell	Walsh, Mont.
Dill	Johnson	Robinson, Ind.	Waterman
Fess	Jones	Robsion, Ky.	Watson
Fletcher	Kean	Schall	

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment offered by the junior Senator from South Dakota [Mr. McMASTER].

Mr. McMASTER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GOFF. Mr. President, would the clerk be permitted to state the amendment? Several Senators have said they are not fully advised as to what the amendment is.

The VICE PRESIDENT. The clerk will read the amendment.

The Chief Clerk again read Mr. McMASTER's amendment.

The VICE PRESIDENT. The clerk will continue the calling of the roll.

The Chief Clerk resumed the calling of the roll.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. DENEEN]. I transfer that pair to the junior Senator from Washington [Mr. DILL] and vote "yea."

Mr. LA FOLLETTE (when Mr. SHIPSTEAD'S name was called). I desire to announce the unavoidable absence of the senior Senator from Minnesota [Mr. SHIPSTEAD]. If present, he would vote "yea."

Mr. SULLIVAN (when his name was called). I am paired with the junior Senator from Tennessee [Mr. BROCK]. If I were permitted to vote, I would vote "nay."

Mr. THOMAS of Idaho (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WHEELER]. Therefore I withhold my vote.

Mr. TOWNSEND (when his name was called). On this vote I have a pair with the senior Senator from Tennessee [Mr. McKELLAR]. I am informed that if he were present he would vote "yea," and if I were permitted to vote I would vote "nay."

Mr. WATSON (when his name was called). I transfer my pair with the senior Senator from South Carolina [Mr. SMITH] to the junior Senator from New Jersey [Mr. BAIRD] and vote "nay."

The roll call was concluded.

Mr. SIMMONS (after having voted in the affirmative). I have a general pair with the senior Senator from Massachusetts [Mr. GILLETT], which I transfer to the senior Senator from Minnesota [Mr. SHIPSTEAD], and allow my vote to stand.

Mr. HARRISON (after having voted in the affirmative). I have a pair with the senior Senator from Oregon [Mr. McNARY]. I am unable a get a transfer, and I therefore withdraw my vote.

Mr. OVERMAN (after having voted in the affirmative). The junior Senator from Washington [Mr. DILL], to whom I transferred my pair, has since come into the Chamber, and I therefore withdraw my vote.

Mr. ROBINSON of Indiana. I have a pair with the junior Senator from Mississippi [Mr. STEPHENS]. In his absence, not knowing how he would vote, I withhold my vote. If permitted to vote, I would vote "nay."

Mr. HARRISON. My colleague [Mr. STEPHENS] is unavoidably absent because of illness.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING].

The result was announced—yeas 39, nays 36, as follows:

YEAS—39

Ashurst	Connally	Heflin	Steck
Barkley	Couzens	Howell	Swanson
Black	Cutting	La Follette	Thomas, Okla.
Blaine	Dill	McMaster	Trammell
Blease	Fletcher	Norbeck	Tydings
Borah	Frazier	Norris	Vandenberg
Bratton	George	Nye	Wagner
Brookhart	Glass	Schall	Walsh, Mass.
Capper	Harris	Sheppard	Walsh, Mont.
Caraway	Hayden	Simmons	

NAYS—36

Allen	Greene	Kean	Pine
Bingham	Grundy	Kendrick	Ransdell
Broussard	Hale	Keyes	Robsion, Ky.
Copeland	Hastings	McCulloch	Shortridge
Dale	Hatfield	Metcalf	Smoot
Fess	Hawes	Moses	Steiwer
Glenn	Hebert	Oddie	Walcott
Goff	Johnson	Patterson	Waterman
Goldsborough	Jones	Phipps	Watson

NOT VOTING—21

Baird	King	Robinson, Ark.	Thomas, Idaho
Brock	McKellar	Robinson, Ind.	Townsend
Deneen	McNary	Shipstead	Wheeler
Gillett	Overman	Smith	
Gould	Pittman	Stephens	
Harrison	Reed	Sullivan	

So Mr. McMASTER'S amendment was agreed to.

The VICE PRESIDENT. Schedule 2 is still in the Senate, and open to amendment.

Mr. ASHURST obtained the floor.

Mr. McMASTER. Mr. President, will the Senator yield?

Mr. ASHURST. I can not yield. I understand that we are to vote at 12 o'clock on an amendment relating to crude oil, and I rise, not in any spirit of censoriousness, but to say that when I was at the bar tactics such as have been employed on this new amendment on oil would have been severely denounced. We perceive that when Senators leave the Chamber to go home to sick beds, presuming that the tariff on crude oil has been settled, it is revived as soon as they leave the Chamber.

The Senate should make an end of this oil matter. I do not question the good faith of those who have proposed this amendment, but it is bad taste and bad practice, after we have settled a matter, to jump it up again when Senators have gone home believing it to be fully settled, and while I have never uttered a syllable against American citizens coming here to exercise their right of petition, I do not wonder that the oil tariff advocates have fallen under a flail of public disapproval, when such episodes arise as are manifested by the RECORD this morning on this oil amendment when we are now called up for the fourth time to deal with an item which the Senate has three times settled.

Mr. GOFF. Mr. President, will the Senator yield?

Mr. ASHURST. I yield the floor.

Mr. GOFF. I ask the Senator why his remarks do not apply to the action which the Senate has just taken on the glass item?

Mr. ASHURST. I am not like the Senator from West Virginia; I can not talk about all subjects at one and the same time.

Mr. GOFF. I regret that the Senator is so limited.

Mr. McMASTER. Mr. President, I suggest to the Senator from West Virginia that there is no parallel between these two actions. The oil matter has been defeated sizeably two or three times. The other matter, which has just been passed on, the Senate, as in Committee of the Whole, decided one way, and after the bill had been reported from Committee of the Whole the Senate decided the other way, and the amendment which has been agreed to was a compromise amendment.

The VICE PRESIDENT. The Secretary will report the oil amendment, which must be voted upon in a minute.

The CHIEF CLERK. The Senator from Oklahoma [Mr. PINE] moves, in paragraph 99, on page 35, after line 2, to insert:

PAR. 99. (a) Crude petroleum, and fuel petroleum, 40 cents per barrel of 42 gallons.

(b) Petroleum products: Kerosene, benzine, naphtha, gasoline, paraffin, paraffin oil, and all other distillates, derivatives, or refined products of petroleum, 20 per cent ad valorem. The ad valorem rate provided in this subparagraph shall be based upon the American selling price (as defined in subdivision (f) as amended of section 402, Title IV) of any similar competitive article manufactured or produced in the United States. If there is no similar competitive article manufactured or produced in the United States, then the ad valorem rate shall be based upon the United States value, as defined in subdivision (d) as amended of section 402, Title IV. For the purposes of this subparagraph any petroleum product provided for herein shall be considered similar to or competitive with any imported petroleum product which accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner: *Provided*, That all funds derived from the tariffs upon petroleum and the refined products of petroleum as provided by this paragraph shall be covered into a special fund for appropriation and expenditure by the Secretary of Agriculture under the Federal highway aid act and the amendments thereto and the rules and regulations made thereunder: *Provided further*, That the United States Tariff Commission is hereby authorized and directed to investigate the domestic and foreign costs of production of petroleum and petroleum products; to prepare and file reports of such investigations, and to prepare and submit recommendations concerning duties thereon as in this act provided; to keep a continuous file of the posted price of crude petroleum and the retail price of gasoline; and to make findings as to the average posted market price of crude petroleum at the place of production, and also of the retail price of gasoline at service stations at such principal markets for such gasoline as said Tariff Commission may select: *Provided further*, That no duty shall be collected or charged on crude petroleum or fuel petroleum during such periods as the average posted market price, as found by said Tariff Commission, of Texas and Oklahoma crude petroleum of a gravity of 36° Baumé, taken at a temperature of 60° F., shall be in excess of $1.50 per barrel at place of production: *And provided further*, That no duty shall be collected or charged upon the petroleum products set forth in subparagraph (b) hereof during such periods as the average retail service station price, as found by said Tariff Commission, of standard unmixed gasoline in New York City, New York State, shall be in excess of 20 cents per gallon, exclusive of any gasoline tax collected from the purchaser.

On page 265, strike out lines 3 to 6, inclusive, being paragraph 1734.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. BRATTON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CUTTING (when his name was called). On this question I have a pair with the senior Senator from Minnesota [Mr. SHIPSTEAD]. If the senior Senator from Minnesota were present, he would vote "nay." If I were permitted to vote, I would vote "yea."

Mr. GLENN (when his name was called). On this matter I have a special pair with the junior Senator from Mississippi [Mr. STEPHENS], who is necessarily absent. I understand that if he were present he would vote "nay." If I were permitted to vote, I would vote "yea."

Mr. OVERMAN (when his name was called). I transfer the pair which I have with the senior Senator from Illinois [Mr. DENEEN] to the senior Senator from Massachusetts [Mr. GILLETT] and vote "nay."

Mr. SIMMONS (when his name was called). I have been released from my general pair with the senior Senator from Massachusetts [Mr. GILLETT] on this vote. I vote "nay."

Mr. SULLIVAN (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. BROCK]. I transfer that pair to the junior Senator from New Jersey [Mr. BAIRD] and vote "yea."

Mr. THOMAS of Idaho (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WHEELER]. If I were permitted to vote, I would vote "yea."

Mr. TOWNSEND (when his name was called). On this vote I have a pair with the senior Senator from Tennessee [Mr. MCKELLAR]. Not knowing how he would vote, I withhold my vote.

Mr. WATSON (when his name was called). I transfer my pair with the senior Senator from South Carolina [Mr. SMITH] to the senior Senator from Oregon [Mr. MCNARY] and vote "yea."

The roll call was concluded.

Mr. WATSON (after having voted in the affirmative). I transferred my pair with the senior Senator from South Carolina [Mr. SMITH] to the senior Senator from Oregon [Mr. MCNARY]. The Senator from Oregon having since appeared and voted, I withdraw the transfer and withdraw my vote.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING]; and

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 37, nays 38, as follows:

YEAS—37

Allen	Grundy	McCulloch	Sheppard
Bingham	Hale	McNary	Shortridge
Bratton	Hastings	Moses	Stelwer
Broussard	Hatfield	Oddie	Sullivan
Capper	Hebert	Patterson	Thomas, Okla.
Caraway	Johnson	Phipps	Walcott
Connally	Jones	Pine	Waterman
Fess	Kean	Pittman	
Goff	Kendrick	Ransdell	
Goldsborough	Keyes	Robsion, Ky.	

NAYS—38

Ashurst	George	McMaster	Steck
Barkley	Glass	Metcalf	Swanson
Black	Greene	Norbeck	Trammell
Blaine	Harris	Norris	Tydings
Borah	Harrison	Nye	Vandenberg
Brookhart	Hawes	Overman	Wagner
Copeland	Hayden	Robinson, Ind.	Walsh, Mass.
Couzens	Heflin	Schall	Walsh, Mont.
Fletcher	Howell	Simmons	
Frazier	La Follette	Smoot	

NOT VOTING—21

Baird	Dill	Reed	Townsend
Blease	Gillett	Robinson, Ark.	Watson
Brock	Glenn	Shipstead	Wheeler
Cutting	Gould	Smith	
Dale	King	Stephens	
Deneen	McKellar	Thomas, Idaho	

So Mr. PINE'S amendment was rejected.

Mr. WALSH of Montana. Mr. President, I am in receipt this morning of a telegram, which I send to the desk and ask to have read.

The VICE PRESIDENT. Without objection, the telegram will be read, as requested.

The Chief Clerk read as follows:

NEW YORK, N. Y., *March 21, 1930.*

Senator THOMAS J. WALSH,

Care Senate Office Building, Washington, D. C.:

Increased tariff rates on laces passed yesterday by Senate are prohibitive on popular-priced goods ranging up to almost 300 per cent. As one of your constituents, I wish to protest and ask your help to avoid enactment of such law, which I feel is an injustice to the American people. The present rate of 90 per cent already prohibits many articles.

JOHN S. HEALEY,
353 Ogden Avenue, Jersey City, N. J.

The PRESIDENT pro tempore. Schedule 2 is in the Senate and open to amendment.

Mr. HATFIELD. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 41, line 24, after the word "valorem" insert:

In addition to the foregoing there shall be paid a duty of 10 cents per dozen separate pieces on all tableware, kitchenware, and utensils.

Mr. ASHURST. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Arizona will state it.

Mr. ASHURST. The Senate having defeated the amendment regarding oil, gasoline, petroleum products, and so forth, I inquire if such items may be brought up again, or must Senators deal at arm's length with each other, as if we were a house of thieves? I inquire if this item may be brought up again?

The VICE PRESIDENT. Under the rule, the question of oil not having been embraced in a committee amendment, if the amendment referred to were changed in a substantial way it would then be considered, of course, as a new amendment and hence could be offered in that form. The Chair should admonish the Senator, however, in regard to the language used by him.

Mr. ASHURST. I thank the Chair and announce that we shall all be on guard.

The VICE PRESIDENT. The question is on the amendment of the Senator from West Virginia [Mr. HATFIELD]. The Senator from West Virginia has the floor.

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from New York will state it.

Mr. COPELAND. I just heard the decision of the Chair relative to the amendment proposing a tariff rate on oil. Last evening I desired to submit an amendment relating to the rate on casein. According to the statement of the Chair this morning, if I were to submit a rate on casein different from the one which is in the bill, or which has been adopted, I would have the privilege of doing so.

The VICE PRESIDENT. The two cases are not similar. The casein amendment was decided as one of those amendments which were reserved, and the Senate has acted upon it. The Chair understands that the amendment proposed by the Senator from Oklahoma [Mr. PINE] was an entirely independent amendment and had no relationship to the committee amendment, which was the case with casein.

Mr. COPELAND. The Vice President was not in the chair last evening when the decision was made. I should like to inquire, Is it the opinion of the Vice President that it would not be in order for me, except by unanimous consent, to move an amendment to the casein rate?

The VICE PRESIDENT. It could be done only by unanimous consent.

Mr. COPELAND. I thank the Chair.

The VICE PRESIDENT. The Chair will state that this discussion will not be charged to the time of the Senator from West Virginia.

Mr. ASHURST. Mr. President, I should like to make another parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. ASHURST. After we shall have passed the schedule which properly relates to crude oil, petroleum, and so forth, if we ever do, will it then and thereafter be proper or parliamentary for amendments relating to a duty on crude oil to be considered again?

The VICE PRESIDENT. No further amendment as to oil would be in order after the schedule is passed, except by unanimous consent.

Mr. ASHURST. Then that affords some degree of security.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. The Senator from West Virginia [Mr. HATFIELD] has been recognized.

Mr. BARKLEY. I wish to submit a parliamentary inquiry concerning this amendment before it shall be discussed.

The Finance Committee reported to the Senate an amendment adding to the ad valorem rate on tableware and all other earthenware and chinaware articles 10 cents per dozen, and on cups and saucers, and so forth, 10 cents per dozen separate pieces. That amendment was defeated. In the Senate the Senator from West Virginia offered practically the same amendment, which was likewise defeated. The amendment which he has now offered specifies articles that were included in the amendment which was defeated. So that we have already voted on the additional 10 cents duty on the articles specified

in this amendment, and I raise the question as to whether the amendment is now in order.

Mr. HATFIELD. Mr. President——

The VICE PRESIDENT. Let the Chair answer the inquiry. The amendment having been defeated, the amendment of the Senator from West Virginia is in order.

Mr. BARKLEY. But this amendment was defeated not only as in Committee of the Whole but in the Senate.

Mr. HATFIELD. But, Mr. President, my amendment was not voted on.

The VICE PRESIDENT. Let the Chair pass upon the parliamentary inquiry. The Chair holds the amendment is in order, and the Senator from West Virginia is recognized.

Mr. HATFIELD. Mr. President, the amendment which I have submitted in substance calls for an additional specific duty of 10 cents per dozen pieces on chinaware produced in Japan, Germany, and Czechoslovakia, the imports from which countries displace chinaware produced by American workers in America.

This amendment will not affect novelties or other types of chinaware not produced in America.

We all know of the tremendous number of American workers who are unemployed and who are unable to secure employment.

Statistics which can not be refuted show that more than 50 per cent of the chinaware used in America each year is imported.

Evidence which can not be contradicted shows that for the past five years the pottery workers have been unable to secure employment more than 60 per cent of the time.

During the past two years at least 18 chinaware plants have been forced to liquidate or cease to manufacture. This number is in addition to those plants which have been merged in the hope of being able to continue in business.

When this subject was discussed in the Committee of the Whole great stress was laid on the use of tunnel kilns. I regret to say that apparently little attention was paid to the fact that tunnel kilns are economical from the standpoint only of firing, and firing represents less than 5 per cent of the cost of producing chinaware in America, while the labor cost of producing American chinaware is in excess of 60 per cent of the total cost.

This amendment will not affect imports from England or France. It will affect imports of chinaware from Japan, Czechoslovakia, and Germany, and more especially the products from Japan.

The increase of Japanese chinaware in 1928 over the quantity imported in 1927 was 100 per cent.

The imports of plain earthenware for 1929 upon which the Senate voted an additional duty of 10 cents per dozen pieces represent a total of 9 per cent of the earthenware imported in 1929.

The imports on plain earthenware for 1929 were 453,043 dozen and on decorated earthenware 4,714,588 dozen.

The additional duty of 10 cents per dozen pieces on chinaware which I have asked for will help the workers of America who are engaged in the pottery industry to secure employment. It will represent an additional duty of not 400 per cent, as claimed by those who are opposed to this increase, but an additional duty of about 12 per cent ad valorem.

In 1929 the total imports on chinaware, plain and decorated ware, were 9,492,710 dozen.

There are no segregated figures available as to the imports from various countries of plain chinaware, but there are segregated figures available as to the imports of the decorated chinaware.

I find that for 1929 the imports of decorated chinaware from Japan were 5,457,923 dozen and from Germany 2,341,072 dozen, making a total of 7,798,995 dozen which were imported from Japan and Germany and which represent a total of 87 per cent of the total imports of decorated chinaware for 1929.

The value of those imports from Japan and Germany in 1929 averaged 82 cents per dozen pieces.

The present duty of 70 per cent on a value of 82 cents per dozen pieces is equal to an average duty of 57 cents per dozen pieces.

I am appealing for an additional duty of 10 cents per dozen pieces, which, if added to the duty called for under the law, would mean a total duty of 67 cents per dozen pieces, which, based on the average value for 1929 of 82 cents per dozen pieces on importations from Japan and Germany, from which the cheapest wares come, will mean an increase of only 12 per cent.

The average value of all imports of plain and decorated chinaware from all countries for 1929 was 98 cents per dozen pieces, so that the additional duty of 10 cents per dozen pieces, based upon the value of 98 cents per dozen pieces, represents an increase of approximately 10 per cent on all imports based on the import values for 1929.

While we are asking for an increased ad valorem of approximately 10 per cent on the product of an industry wherein the foreigners supply more than 50 per cent of the total consumption in the American market, this body has voted additional duties of 5 per cent on foreign wools, which preempt only 25 per cent of the American market; an increase on live cattle of 75 per cent in relation to which the importers dominate only 2 per cent of our market, and an increase of 66⅔ per cent on butter, wherein the imports represent only 5 per cent of domestic consumption. I might call attention to increases of from 50 per cent to 100 per cent, which have been voted on foodstuffs, wherein the importations preempt only a small percentage of our market.

With what justice or justification can the pottery worker view such rates, and upon what business basis can the recipients of these additional duties on farm products have any assurance that the home market will be guaranteed to them, with an attractive price for their commodities, unless we at the same time underwrite the purchasing power of the pottery and industrial workers generally in their rights as against the importer. The pottery situation discloses a picture, Mr. President, of depression in the industry, as the records will disclose, which is due to an ever-increasing importation, beginning in 1922 down to the present time of cheap-made goods, made possible by the underpaid wage earner in Europe.

The only way that the Mr. Farmer is going to be helped after we have given to his products added protection is to save for the industrial worker of this country the home market for the products of his labor made possible by his brawn and skill, so that his purchasing power will meet the expectations of the 8,000,000 producers of farm products.

The American market consumes 90 per cent of the products of America. I ask, How can it be expected that the 17,000 persons employed in the production of chinaware will be able to meet the increased protection in these other commodities unless an increase in the rates on their products shall be voted, which will give them some possibility of securing profitable employment?

The question before us in considering the adoption of this amendment is, Shall the Senate adopt this amendment and help to make possible employment for American pottery workers, or shall it reject the amendment and provide continuous employment for Japanese workers in Japan?

So, Mr. President, I hope that it will be the pleasure of the Senate to accept this amendment.

Mr. COPELAND. Mr. President, the Senator from West Virginia has placed the facts before the Senate exactly as they are. This particular item, as I understand, will afford some protection against the importation of cheap products and cheaply-made products from Japan, and, if I am correctly informed, it is my opinion that the amendment should be adopted, and I hope it will be.

Mr. BARKLEY. Mr. President, we have had four or five roll calls on this proposition already, and at each roll call it has been defeated. Not since Jacob struggled with the angel and would not allow him to go until a blessing were conferred upon him have we seen so much wrestling and struggling as we have seen over this pottery item, the difference being that I fear that our friends from West Virginia are wrestling not with the angel but with the devil, and before they part with him they expect to receive some benefit from contact with him.

If this increased tariff is voted, it means, in effect, increased profits to a great pottery concern in the United States that already has a practical monopoly in the manufacture of the cheaper grades of earthen tableware.

When this bill came over from the House it had a provision for 45, 50, 55, and 60 per cent ad valorem rates on earthenware and chinaware, and, in addition to that, a 10-cent specific duty per dozen pieces. The Senate committee struck out the 10-cent specific duty per dozen pieces, and at the bottom of the paragraph provided:

> In addition to the foregoing, * * * on cups, saucers, or plates, valued at not more than 50 cents per dozen, 10 cents per dozen; on cups and saucers imported as units, valued at not more than 50 cents per dozen units, 10 cents per dozen separate pieces.

In other words, the Senate Finance Committee, after hearing the testimony on this schedule, were unwilling to give more than a 10-cent specific duty per dozen on articles valued at less than 50 cents a dozen; but even that amendment was defeated on a roll call in Committee of the Whole, leaving the law as it is now

in the act of 1922 with reference to the tariff on these tableware and kitchenware dishes.

About 10 days ago, one night rather late, the same proposal was advanced again, and on another roll call the Senate defeated the amendment. The amendment now offered by the Senator from West Virginia is not limited to articles of less value than 50 cents per dozen. It provides that in addition to the duties already fixed which so far as chinaware is concerned are the same as those of the law of 1922, but so far as earthenware is concerned have already been increased, there shall be a duty of 10 cents per dozen pieces on tableware, kitchenware, and utensils.

The effect of this amendment will be, and is designed to be, to make it impossible to import into the United States the cheaper articles of tableware and kitchenware made out of earthenware used in the humbler homes of the American people. It means either that the price will be increased by 50 per cent or that it will be doubled on the 5-and-10-cent articles that are carried in the 5-and-10-cent stores of the United States. I contend that these articles are articles of necessity in millions of homes throughout the United States. The breakage on the cheaper grades of earthenware among families where there are children is very large, as all of us know from our own experience and observation. Hardly a week goes by that some housewife—the wife of a laborer, the wife of a carpenter, or of a plumber, or of a truck driver, or of a railroad brakeman, or engineer, or farmer—is not required to go into town and buy an additional supply of these dishes.

The Homer Laughlin Co., of East Liverpool, Ohio, and across the river in West Virginia, now has a monopoly of the domestic manufacture and distribution of this type of earthenware and supplies the cheaper stores of the United States with it. It is an effort, through the tariff, to take away from the American housewife the opportunity to buy cups and saucers that were not made in the United States that may have some form of Japanese or Chinese decoration upon them. It is an effort to compel the American housewife to buy an article which she may not desire, because even the representative of the pottery interests in 1922 testified that the average American housewife preferred, under certain conditions, an article of tableware that might be brought in from some foreign country. It means that every article of these lower classes of china and dishes used in every kitchen in the United States, every earthenware cup or saucer or crock or dish or pitcher of any kind used in the kitchen or on the table, is to have this additional tariff placed upon it if this amendment is adopted.

We have been told that if this amendment is agreed to, 15,000 idle men will be put to work. The highest number of men employed in the pottery industry at the peak—during the war and immediately afterwards—was only 20,000. There are now 18,000 men employed in this industry; and where are the 15,000 going to work if we put on this tariff? Where is the great unemployment in the pottery industry except in those plants that have not adopted the modern methods of manufacturing? That is the whole trouble with the situation which is attempted to be corrected here by the levy of a tariff that will extend, in some of these cases, to as high a rate as 150 per cent, and in some cases more than 200 per cent.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. BARKLEY. I have only 10 minutes. I hope, therefore, the Senator will not ask me to yield.

Mr. HATFIELD. For the information of the Senator, I desire to say that my statement was that 17,000 people were employed in the pottery industry.

Mr. BARKLEY. We have been told by some of those who advocated this increase that if we put on this additional 10-cent duty 15,000 idle men would go to work. There are only 2,000 less employed now than were employed in the very peak of the pottery industry, during and following the war.

On a little china salt-and-pepper set, composed of two pieces, if this amendment is adopted, the rate will be 163.64 per cent. I ask the Members of this body whether they are willing to put a tax of that amount upon the laboring man, the poor man, those who can not afford expensive china, those who can not afford the Lenox or the Belleck or the Haviland or the Minton or other high classes of chinaware, but are compelled to eat their food and drink out of these humble dishes that they are able to buy in the cheaper stores of the United States. I ask whether Senators are ready to levy a tariff of 163 per cent upon those articles. If they are ready to do that, they ought to vote for this amendment, for that is what it will accomplish.

On an ordinary egg cup, which is used for breaking and stirring and preparing soft-boiled eggs for breakfast, the tariff will be 140 per cent if we adopt this amendment.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Kentucky yield to the Senator from New York?

Mr. BARKLEY. I yield.

Mr. COPELAND. The same argument that the Senator uses might apply to anything. We might take off all the tariff upon everything, and bring in every article free. As regards the egg cup, it stands to reason that the competition between American firms is going to bring about a reasonable price.

Mr. BARKLEY. Of course that could be done; but nobody here is advocating taking off the tariff on these articles or the tariff on any article. There is already a tariff ranging from 45 to 70 per cent on this earthenware and chinaware; and now, in addition to that, on the cheaper grades bought by the poorer people who can not afford expensive china, we are asked to raise this rate to 163 per cent, in some cases 175 per cent, and in some isolated instances of a particular type of earthenware to an ad valorem rate of more than 200 per cent.

I hope this amendment will be defeated, as all the others on the same subject have been.

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired.

Mr. WATSON obtained the floor.

Mr. GOFF. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from West Virginia?

Mr. WATSON. Before yielding I desire to make a statement.

Many Members are asking about the session to-morrow, and when it is expected that the bill will pass, and all that sort of thing. I have talked with a great number of them; and it occurs to me that if the Senate will stay here, and if Senators will not absent themselves, we can certainly pass the bill to-morrow. I do not think there is a doubt in the world about it; and I have talked to enough Senators to know that they are willing to stay here in order to pass this bill.

It is then my purpose, if we pass the bill, to take a recess of a week, in order that the Members may have an opportunity to leave here and get away from this harrowing and harassing tariff bill, which we have had on our hands for a year.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WATSON. Yes.

Mr. BARKLEY. I think we might make considerable speed if the Republican leader would devise some method by which we could avoid having to fight over and over again the same propositions that we have fought over for months and voted on at least half a dozen times.

Mr. WATSON. I think there is something to that; but, unfortunately, I am not able always to do the things I should like to do or see done. As far as I can, I intend to expedite the passage of the bill.

Mr. BARKLEY. I think the Senator ought to do that, because the country is getting more depressed every day on account of the failure to pass this bill; and the delay now is caused by those who are not satisfied with action heretofore taken and are trying to reverse it.

Mr. GLASS. Mr. President, the country will be still more depressed when the bill is passed.

Mr. WATSON. Now we are getting off into making political speeches before the bill is even passed.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Virginia?

Mr. WATSON. I yield to my friend from Virginia.

Mr. SWANSON. As I understand the proposition, the Senator wants to see whether it is agreeable to the Senate to stay in session until 10 o'clock to-night, not desiring to hold the Members of the Senate to hours they do not like. Am I correct about that?

Mr. WATSON. Yes.

Mr. SWANSON. At what time to-morrow is it proposed to meet?

Mr. WATSON. Eleven o'clock.

Mr. SWANSON. Then the Senator will try to proceed with the bill so as to pass it to-morrow night?

Mr. WATSON. That is right.

Mr. SWANSON. I fully concur in that.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Utah?

Mr. WATSON. I do.

Mr. SMOOT. I ask unanimous consent that at the conclusion of the Senate's business to-day it take a recess until 11 o'clock to-morrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SWANSON. Mr. President, as I understand, there is no amendment that will require more than 10 minutes hereafter. Debate is limited to 10 minutes. No amendments have been reserved to which the 10-minute limitation does not apply. Is that correct?

Mr. WATSON. Yes.

Mr. SWANSON. As I understand, the limitation also applies to the bill itself. Consequently, no Senator——

Mr. LA FOLLETTE. No, Mr. President; it is not my understanding that the limitation applies to the bill itself.

Mr. SMOOT. I do not understand it that way, either.

The PRESIDING OFFICER. It applies only to individual amendments.

Mr. WATSON. Would the Senator from Wisconsin have any objection to making it apply to the bill itself?

Mr. LA FOLLETTE. I would, Mr. President.

Mr. WATSON. Are we going to have a lot of speeches on the bill, pro and con, before it is finally passed?

Mr. LA FOLLETTE. I do not know; but I do not think that was included in the agreement, and I am not prepared at this time to enter into an agreement which would prevent Senators from having an opportunity to explain their votes for or against this measure.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Virginia?

Mr. WATSON. Yes; I yield.

Mr. SWANSON. If that is true, and there is no limitation on debate on the bill itself, and no chance of getting the bill through to-morrow night, I can see no occasion for holding the Senate in session after 1 or 2 o'clock to-morrow, staying here until 10 or 11 o'clock to-morrow night, and having the bill go over until Monday.

Mr. WATSON. There would not be if we are going to have a lot of speeches here, pro and con, that might as well be made on the stump instead of in the Senate, because they will all come, anyhow.

Mr. SMOOT. Let us wait and see what we do to-day; and at 10 o'clock to-night, or just before 10, we will know more about it.

Mr. SWANSON. As I understand, we will meet to-morrow at 11 o'clock, anyway.

Mr. WATSON. Yes.

Mr. SMOOT. That is right.

Mr. SWANSON. And I understood the Senator from Utah to say that unless he thought there was a chance of passing the bill he was willing to take a recess at 2 to-morrow.

Mr. SMOOT. That will be all right if we are not going to pass the bill.

Mr. SWANSON. If there was any prospect of passing the bill to-morrow night, I am satisfied the sentiment in the Senate is to do that, unless it would be an injustice to Senators or an injustice to their constituents for them not to state their position. It would seem to me that if we meet at 11 o'clock, by 2 o'clock to-morrow we can determine whether we can proceed and pass the bill to-morrow night.

Mr. WATSON. I am admonished, of course, that we shall have to send the bill to conference after that. It must go over to the House for agreement on a conference. But I think that could be cleared up by unanimous consent.

Mr. SWANSON. We could do what was done with the Wilson-Gorman bill. The Senate can insist on its amendments and ask for a conference.

Mr. SMOOT. That was done with the bill passed in 1909.

Mr. SWANSON. Consequently the bill would not have to come back. The House would then concur in the request for a conference. That practice was followed for the first time in the case of the Wilson-Gorman bill. Under the practice followed theretofore the Senate merely sent legislation to the House with amendments, and the House was in control.

Mr. SMOOT. It was understood, however, that there would be enough Members here to receive the message from the House. The Senate has to do that before there can be a print or before the bill can be sent to conference. The House must disagree to the Senate amendments and ask for a conference.

Mr. SWANSON. What I stated was that commencing with the Wilson-Gorman bill the Senate has usually insisted on its amendments and asked for a conference, and the House agrees to a conference. Then we have a conference at once. All that is necessary is for the Senate to be informed that the House has agreed to its request for a conference. One day is saved by that procedure.

Mr. WATSON. There would be a delay of one day, unless it could be avoided by unanimous consent. I have not consulted with the parliamentarian to find whether or not that could be ironed out by a unanimous-consent agreement.

Mr. BARKLEY. Mr. President, the Senator spoke a moment ago about taking a recess after passing the bill. I appreciate how tired Senators are and how glad they would be to have that sort of a recess. But, after all, would it not be better to stay here and finish the business of the session, and then go home about the 1st of June, than to take a recess for a week and come back with new steam and new energy to prolong the session away along through the summer?

Mr. WATSON. Considering the tired nerves and fagged brains and worn bodies of Senators, I think it would be wise to get away for one week and come back freshened for the work that must be accomplished.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. WATSON. I yield.

Mr. BLACK. I shall certainly object to any unanimous-consent request to take a recess for a week. If such a request is made, I give notice now that I shall object and continue to object. Unless we pass the Muscle Shoals legislation and get it over to the House in time for action over there, there will be no Muscle Shoals legislation passed at this session. I do not want it taken up over there at the fag end of the session when there will be an excuse for not passing the legislation.

Mr. WATSON. Let me say to my friend the Senator from Alabama the House is practically up with its work, has passed almost every appropriation bill it has to pass, and the Muscle Shoals legislation can come right in. There is no trouble about that. Congress can not, under the most favorable conditions, adjourn before the 1st of June.

The PRESIDING OFFICER. The time of the Senator from Indiana has expired.

Mr. GOFF obtained the floor.

Mr. TYDINGS. Mr. President, will the Senator from West Virginia yield?

Mr. GOFF. For how long? I do not want to lose the floor.

Mr. TYDINGS. Just to submit a request.

Mr. GOFF. Certainly.

Mr. TYDINGS. I ask unanimous consent that after the pending schedule is disposed of, in the consideration of all other schedules, matters on which there have been at least two record roll calls shall be considered out of order.

Mr. BRATTON. I shall be compelled to object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. GOFF. Mr. President, the amendment now before the Senate is to insert at the bottom of page 41 the following:

> In addition to the foregoing there shall be paid a duty of 10 cents per dozen separate pieces on all tableware, kitchenware, and utensils.

The amendment is to stabilize the industries covered and to take care of them in an economic as well as in a thoroughly constructive way. We all know that the present difficulty in the china and pottery industry in our country is the difference between labor costs abroad and in the United States. The introduction of all the modern methods, including tunnel kilns, which we have adopted, has not reduced the labor cost more than 2 per cent. The cost reductions which we have effected have been confined to only two raw materials—that is, fuel and saggers. The result has been to increase the proportion of labor costs.

It is not taken duly into consideration by those who oppose this amendment that the amendment itself will tend to, and, in fact, will stabilize the production in this particular field and under the present particular conditions. The chief objection which is raised to this amendment, as nearly as I can understand the argument advanced by the Senator from Kentucky, is that it would increase the cost to the ultimate consumer. It is said that it would add to the cost of the poor man's breakfast table at least 165 per cent.

I deny this statement, because it is nothing more nor less than the purest conjecture. It is a deduction from premises which do not exist and which are not substantiated by any matter or fact which has been brought to the attention of the Senate or which is now before the Senate.

I am reliably informed, and I believe absolutely the statement which I shall now make, that this additional and specific tax upon the separate pieces of tableware, toiletware, kitchenware, and utensils, will not in any sense of the word increase the cost to the ultimate consumer. I have been informed that such is the conclusion reached by the manufacturers, as well as the representatives of organized labor.

Let me now make this statement, and let anyone who is opposed to its import challenge what I am now going to say. I stand here to state that I have the positive assurance of the manufacturers in this industry, and of representatives of organized labor employed in this industry, that if this tariff rate is adopted it will not increase in any degree the cost to the ultimate consumer.

If I am misinformed in the slightest particular, I am misinformed because those who have invested their money in this industry can not properly calculate the effect of this tariff rate, and those who represent organized labor employed in this industry have been misinformed, and do not understand the conditions under which they work.

I wish in this connection to refer to this additional fact: I am also reliably informed that there are nine pottery plants in East Liverpool, Ohio, each one of which is shut down at the present time and out of business, due entirely to the intense competition in cheaply made foreign goods. The pottery workers in those East Liverpool, Ohio, plants are without employment, and many of them are having the most difficult time within recent experience to secure food.

I am further informed that at Sebring, in the State of Ohio, where a number of such potteries are located, soup lines have been recently formed and are now in existence and are daily enlarging and growing.

The actual conditions such as I have stated them to be should certainly convince the Members of this body of the necessity of placing such a tariff rate upon the importations as will necessarily insure the continuance of these manufacturing industries and the employment as well as the reemployment of American labor.

I can not state and do not state how many men now unemployed will be reemployed, but I do know that if these industries can be stabilized there is no reason why they should not seek to achieve the objective of stability in such production, and the therefore necessary reemployment of all men who were there when the high-water mark of these industries had been reached.

The PRESIDING OFFICER. The Senator has one minute left.

Mr. GOFF. Mr. President, I would ask, in this connection, that I may submit with my remarks certain tables showing the increase in importations from Japan and China and Czechoslovakia, where the rate of wages paid does not exceed one-eighth the wages paid in the United States. To ask American labor, under those conditions, to try to work and to live on a standard to which such wages would lower them, is to ask American capital to take risks which labor says capital itself should not be called upon to take, and which those who work should not be compelled to assume if we are to go on as the land of opportunity:

Domestic earthenware production

1923	$36,696,000
1924	36,277,000
1925	32,815,000
1926	33,563,000
1927	32,475,000
1928	[1] 31,434,000

The production of fine china in this country decreased from $1,291,850 in 1926 to $1,050,255 in 1928. A loss of 18.7 per cent.

The production of hotel china in this country decreased from $10,382,279 in 1926 to $9,251,243 in 1928. A loss of 10.9 per cent.

Total importations of china and earthenware

1923	$13,160,000
1924	18,162,000
1925	16,490,000
1926	18,513,000
1927	18,248,000
1928	[2] 17,947,000

Increase in German importations from 1923 to 1927

1923	$2,068,000
1927 (113 per cent)	4,410,000

Increase in Japanese importations from 1923 to 1927

1923	$2,706,000
1927 (48 per cent)	3,997,000

Mr. KEAN. Mr. President, upon a former occasion when this question was argued I introduced into the RECORD a letter or two from labor organizations in New Jersey showing that the potteries are having a very hard time; that the industry is very much depressed, and is suffering because of the lack of a tariff.

The distinguished Senator from Kentucky [Mr. BARKLEY] mentioned carpenters, plumbers, and railroad men. I remember that during my boyhood days a carpenter received $2 or $2.50 a day. To-day, when carpenters and plumbers and railroad men are receiving many times that amount of wages, I ask whether they are not ready and willing to share with their fellow laborers in these potteries at least to the extent of paying a small extra duty in order that their fellow men may be able to receive American wages and live in an American manner.

I am for the amendment because it will give additional employment to American labor and tend to make not only the carpenter and the plumber and the railroad men prosperous but all others. When American labor is fully employed it always makes every industry and everybody else in the United States prosperous. I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

Mr. BARKLEY. I demand the yeas and nays.

Mr. GOFF. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	La Follette	Smoot
Barkley	Glenn	McCulloch	Steck
Black	Goff	McMaster	Steiwer
Blaine	Goldsborough	McNary	Sullivan
Blease	Greene	Metcalf	Swanson
Borah	Grundy	Moses	Thomas, Idaho
Brookhart	Hale	Norbeck	Thomas, Okla.
Broussard	Harris	Norris	Townsend
Capper	Harrison	Nye	Trammell
Caraway	Hastings	Oddie	Tydings
Connally	Hatfield	Overman	Vandenberg
Copeland	Hebert	Patterson	Wagner
Couzens	Heflin	Phipps	Walcott
Cutting	Howell	Pine	Walsh, Mass.
Dill	Johnson	Robsion, Ky.	Walsh, Mont.
Fess	Jones	Schall	Waterman
Fletcher	Kean	Sheppard	Watson
Frazier	Kendrick	Shortridge	
George	Keyes	Simmons	

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, a quorum is present.

The question is on the amendment of the Senator from West Virginia, on which the Senator from Kentucky [Mr. BARKLEY] demands the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. BINGHAM]. Not knowing how he would vote, I withhold my vote. If I could vote, I would vote "nay."

Mr. OVERMAN. Again announcing my pair, I withhold my vote. If permitted to vote, I would vote "nay."

Mr. ROBINSON of Indiana (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS]. In his absence, not knowing how he would vote, I withhold my vote.

Mr. ROBSION of Kentucky (when his name was called). I have a pair on this vote with the junior Senator from Arizona [Mr. HAYDEN]. In his absence I withhold my vote.

Mr. LA FOLLETTE (when Mr. SHIPSTEAD's name was called). I desire to announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] if present would vote "nay."

Mr. SIMMONS (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. GILLETT] to the senior Senator from Minnesota [Mr. SHIPSTEAD] and vote "nay."

Mr. SULLIVAN (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. BROCK]. If I were permitted to vote, I should vote "yea."

Mr. THOMAS of Idaho (when his name was called). On this vote I have a pair with the junior Senator from Montana [Mr. WHEELER]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea."

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. MCKELLAR]. On this vote I have been released from that pair and therefore vote. I vote "yea."

Mr. WATSON (when his name was called). I transfer my pair with the senior Senator from South Carolina [Mr. SMITH] to the junior Senator from New Jersey [Mr. BAIRD] and vote "yea."

The roll call was concluded.

Mr. OVERMAN. I transfer my pair with the senior Senator from Illinois [Mr. DENEEN] to the senior Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. SULLIVAN. I transfer my pair with the junior Senator from Tennessee [Mr. BROCK] to the Senator from Vermont [Mr. DALE] and vote "yea."

The result was announced—yeas 39, nays 29, as follows:

YEAS—39

Brookhart	Grundy	McCulloch	Steiwer
Broussard	Hale	McNary	Sullivan
Capper	Hastings	Metcalf	Townsend
Copeland	Hatfield	Moses	Trammell
Fess	Hebert	Oddie	Vandenberg
Fletcher	Johnson	Patterson	Wagner
Glenn	Jones	Phipps	Walcott
Goff	Kean	Pine	Waterman
Goldsborough	Kendrick	Shortridge	Watson
Greene	Keyes	Steck	

[1] Decrease of 18.8 per cent from 1923.
[2] Increase of 26.7 per cent from 1923.

NAYS—29

Ashurst	Cutting	McMaster	Swanson
Barkley	Dill	Norbeck	Thomas, Okla.
Black	Frazier	Norris	Tydings
Blaine	George	Nye	Walsh, Mass.
Borah	Harris	Overman	Walsh, Mont.
Caraway	Harrison	Schall	
Connally	Heflin	Sheppard	
Couzens	Howell	Simmons	

NOT VOTING—28

Allen	Deneen	La Follette	Robsion, Ky.
Baird	Gillett	McKellar	Shipstead
Bingham	Glass	Pittman	Smith
Blease	Gould	Ransdell	Smoot
Bratton	Hawes	Reed	Stephens
Brock	Hayden	Robinson, Ark.	Thomas, Idaho
Dale	King	Robinson, Ind.	Wheeler

So Mr. HATFIELD's amendment was agreed to.

Mr. WALSH of Montana. Mr. President, we last voted upon the earthenware articles referred to in the amendment just adopted on March 7, and rejected exactly such an amendment as has now been adopted. I ask that the record of that vote be incorporated in the CONGRESSIONAL RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

EARTHENWARE—CROCKERY WARE (DECORATED)

(Vote on concurring in the amendment made in the Committee of the Whole to paragraph 211, striking out the duty of 10 cents per dozen pieces and 50 per cent ad valorem and inserting a 50 per cent ad valorem duty on earthenware, crockery ware, etc., that is decorated in any manner.)

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 40, lines 18 and 19, strike out "10 cents per dozen pieces" and insert "50."

Mr. COPELAND. Mr. President, let us be clear about it. What we are asking is that the House language be restored.

The PRESIDING OFFICER. A negative vote restores the House language. The question is on concurring in the amendment made as in Committee of the Whole. On that question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BROCK (when his name was called). I have a pair with the junior Senator from Wyoming [Mr. SULLIVAN]. Therefore I withhold my vote.

Mr. MCKELLAR (when his name was called). On this question I have a pair with the junior Senator from Delaware [Mr. TOWNSEND] and therefore withhold my vote.

Mr. PATTERSON (when his name was called). On this question I have a pair with the junior Senator from New York [Mr. WAGNER]. I understand that if he were present he would vote "yea." I transfer that pair to the junior Senator from Vermont [Mr. DALE] and will vote. I vote "nay."

Mr. SMITH (when his name was called). I have a pair with the Senator from Indiana [Mr. WATSON]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and will vote. I vote "yea."

Mr. STECK (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. MOSES]. I transfer that pair to the junior Senator from Massachusetts [Mr. WALSH] and will vote. I vote "yea."

Mr. STEPHENS (when his name was called). I have a pair with the junior Senator from Indiana [Mr. ROBINSON] and therefore withhold my vote.

Mr. THOMAS of Idaho (when his name was called). On this question I have a pair with the junior Senator from Iowa [Mr. BROOKHART]. I understand that if he were present he would vote "yea." I transfer that pair to the Senator from Oregon [Mr. MCNARY] and will vote. I vote "nay."

The roll call was concluded.

Mr. HAYDEN. On this question I have a pair with the junior Senator from Oregon [Mr. STEIWER] and withhold my vote. If I were at liberty to vote, I should "yea"; and if he were present he would vote "nay."

Mr. GLASS. I have a general pair with the senior Senator from Connecticut [Mr. BINGHAM]. Not knowing how he would vote on this question, I shall have to withhold my vote. If at liberty to vote, I should vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN].

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Nebraska [Mr. HOWELL] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from Vermont [Mr. GREENE] with the Senator from Arkansas [Mr. CARAWAY]; and

The Senator from Connecticut [Mr. WALCOTT] with the Senator from Montana [Mr. WHEELER].

The result was announced—yeas 31, nays 28, as follows:

Yeas, 31: Messrs. Allen, Ashurst, Barkley, Black, Blaine, Blease, Borah, Bratton, Capper, Connally, Dill, Fletcher, Frazier, George, Harris, Harrison, Hawes, Heflin, Johnson, La Follette, McMaster, Norbeck, Norris, Nye, Schall, Sheppard, Smith, Steck, Swanson, Tydings, and Walsh of Montana.

Nays, 28: Messrs. Baird, Broussard, Copeland, Fess, Glenn, Goff, Goldsborough, Grundy, Hale, Hastings, Hatfield, Hebert, Jones, Kean, Keyes, McCulloch, Metcalf, Oddie, Patterson, Phipps, Pine, Robsion of Kentucky, Shortridge, Thomas of Idaho, Thomas of Oklahoma, Trammell, Vandenberg, and Waterman.

Not voting, 37: Messrs. Bingham, Brock, Brookhart, Caraway, Couzens, Cutting, Dale, Deneen, Gillett, Glass, Gould, Greene, Hayden, Howell, Kendrick, King, McKellar, McNary, Moses, Overman, Pittman, Ransdell, Reed, Robinson of Arkansas, Robinson of Indiana, Shipstead, Simmons, Smoot, Steiwer, Stephens, Sullivan, Townsend, Wagner, Walcott, Walsh of Massachusetts, Watson, and Wheeler.

So the amendment was concurred in.

The PRESIDING OFFICER. The schedule is still in the Senate and is open to amendment.

Mr. BROOKHART. Mr. President, I desire to offer an amendment.

The PRESIDING OFFICER. The amendment proposed by the Senator from Iowa will be stated.

The LEGISLATIVE CLERK. The Senator from Iowa proposes to substitute for paragraph 205 (a) and paragraph 1744 the following:

PAR. 205 (a). Plaster rock or gypsum, crude, not used in the manufacture of fertilizers, 75 cents per ton; crushed, advanced in value or condition by crushing, grinding, or in any other manner, $1.40 per ton; ground, $2 per ton; calcined, wall plasters, gypsum blocks, $3 per ton; wall boards, plaster boards, composed wholly or in chief value of gypsum, $4 per 1,000 square feet.

PAR. 1744. Plaster rock or gypsum, crude, used in the manufacture of fertilizers.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa.

Mr. BROOKHART. Mr. President, I merely desire to present the situation with reference to gypsum in the country at large, as nearly as I can. The larger part of the gypsum business is controlled by the United States Gypsum Co. That company has mines in Nova Scotia and in Mexico. Through those mines it has been able to compete with the independent companies of the United States. The United States Gypsum Co. have 26 interior plants of their own in the country for which they show no profit, but on their entire business they have a net profit of over $6,000,000, and 7.22 per cent. The independents are in about the same condition as to their own interior plants. That has worked a considerable hardship upon them in my State. The gypsum factories are not prosperous for that reason. There are, I believe, some 22 States which have an interest in this item in a small way.

The domestic production in 1911 was 2,323,000 short tons; in 1928 it was 5,102,000 tons, representing an increase of 2,778,000 tons in 18 years, or 117 per cent. From 1925 to 1928 there was a decrease of 10 per cent. All of the increase occurred before the present situation arose. Under present conditions there has been a decrease.

The importations in 1918 were 50,653 tons; but in 1928 they were 1,028,858 tons.

Mr. THOMAS of Oklahoma. Mr. President, I desire to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. THOMAS of Oklahoma. What amendment is pending before the Senate?

The VICE PRESIDENT. The pending amendment is the amendment proposed by the Senator from Iowa [Mr. BROOKHART], which will be again stated.

The legislative clerk again stated Mr. BROOKHART's amendment.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator from Iowa yield to me?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. BROOKHART. I yield.

Mr. THOMAS of Oklahoma. Would the suggested amendment, if adopted, raise the rate of duty carried in existing law?

Mr. BROOKHART. This article is on the free list under existing law.

Mr. THOMAS of Oklahoma. The amendment, then, proposes to transfer it from the free list to the dutiable list?

Mr. BROOKHART. That is correct.

Mr. THOMAS of Oklahoma. The Senator from Iowa is not supporting such an amendment, is he?

Mr. BROOKHART. Yes.

Mr. President, there are few other facts to state in reference to this subject. The price of wall plaster in which gypsum is used was $15 in 1922; it gradually declined to $10.50 in 1928. The importers, who have mills in this country, control 60 per cent of the industry. They are the ones who are opposing this proposed tariff rate, while the independents claim that a tariff duty is essential for them.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. BROOKHART. I yield.

Mr. BORAH. May I ask the Senator what is the principal use of this material upon which he seeks to have a duty imposed?

Mr. BROOKHART. It is an ingredient of some of the plasters.

Mr. BORAH. Of plasters which are used for building purposes?

Mr. BROOKHART. In part; yes. The amendment, however, provides that gypsum shall be on the free list when imported for fertilizer purposes.

Mr. BORAH. The amendment puts gypsum on the free list when used for fertilizer purposes?

Mr. BROOKHART. Yes.

Mr. THOMAS of Oklahoma. Mr. President, I should like to direct an inquiry to the Senator from Idaho.

The VICE PRESIDENT. Does the Senator from Iowa yield for that purpose?

Mr. BROOKHART. I yield.

Mr. THOMAS of Oklahoma. I should like to know whether or not this commodity "grows" on farms.

Mr. BORAH. I do not know whether it "grows" on farms; what I am interested in knowing is whether or not it affects the farmer.

Mr. BROOKHART. It "grows" on some farms in my State; it is being taken out of the farms. It is a kind of industry where mining as well as manufacturing are involved.

Mr. BORAH. I understand it is a building material.

Mr. BROOKHART. Yes.

Mr. TYDINGS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Maryland?

Mr. BROOKHART. I yield.

Mr. TYDINGS. I understand that the Senator would put a tax on gypsum that goes into building material.

Mr. BROOKHART. The amendment proposes to levy a tariff rate on gypsum used in building materials; yes; but it does not propose to levy a tariff rate on gypsum used for fertilizer purposes.

Mr. TYDINGS. Would not the tariff rate proposed increase the cost of the houses which the farmers may build?

Mr. BROOKHART. It might increase the cost a few cents; I do not know as to that.

Mr. TYDINGS. Was the Senator in favor of taking cement from the free list and putting it on the dutiable list?

Mr. BROOKHART. No, sir.

Mr. BARKLEY and Mr. COPELAND addressed the Chair.

The VICE PRESIDENT. The Chair desires to advise the Senator from Iowa that he has only two minutes remaining.

Mr. BROOKHART. I yield to the Senator from Kentucky.

Mr. BARKLEY. Do I understand the Senator to say that gypsum "grows" in Iowa?

Mr. BROOKHART. Yes, sir.

Mr. BARKLEY. It "grows" there?

Mr. BROOKHART. Yes, sir; in the ground.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Washington?

Mr. BROOKHART. I yield.

Mr. DILL. I have before me the amendment, and I notice the Senator has included in it a rate of $4 on gypsum used in wall board and plaster board. That is the poor man's plaster.

Mr. BROOKHART. The proposed rate is $4 a thousand square feet; the Senator covered too much territory.

Mr. DILL. Very well; but why put a tariff on a substitute for plaster which the poor man uses?

Mr. BROOKHART. Well, why put a tariff on lumber?

Mr. DILL. We had a very difficult time to get one put on lumber, I will say to the Senator. However, I was curious to know why the tariff rate should be so much higher on wall board and plaster board than it is on the other uses of gypsum under the amendment.

Mr. BROOKHART. I do not think it is.

Mr. DILL. The proposed tariff on wall board and plaster board is $4.

Mr. BROOKHART. Not $4 a ton, but $4 a thousand square feet.

Mr. DILL. I do not know how much it weighs. I think that portion of the amendment ought to be stricken out.

Mr. FLETCHER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Florida?

Mr. BROOKHART. I yield.

Mr. FLETCHER. What is the ad valorem equivalent?

Mr. BROOKHART. That may be set forth in the papers I have here, but I do not recall just what the ad valorem equivalent would be, but it is not a high rate; none of the rates proposed in the amendment are high.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. BROOKHART. I yield.

Mr. SIMMONS. I happened to be out of the Chamber when the Senator was making his statement. The amendment refers to gypsum, does it?

Mr. BROOKHART. Yes.

Mr. SIMMONS. What is the rate the Senator proposes to put on gypsum?

Mr. BROOKHART. The amendment proposes to keep it on the free list, when used for fertilizer purposes. I know that was the objection which some Senators on the other side of the aisle had at the time a similar amendment was previously pending. The rate is 75 cents a ton on crude gypsum, and on wall board and plaster board $4 per thousand square feet, which is not a high rate.

The VICE PRESIDENT. The time of the Senator from Iowa has expired.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina desire to be recognized?

Mr. SIMMONS. I do not.

The VICE PRESIDENT. The Senator from Maryland is recognized.

Mr. TYDINGS. Mr. President, I should be very glad to have the Senator from Iowa give me his attention for a moment. Assuming that the amendment is a good one and should be adopted, I am interested in ascertaining how we can know whether gypsum coming into the country is going into the manufacture of fertilizer or into the manufacture of plaster board or other articles mentioned in the amendment.

Mr. BROOKHART. I will refer that question to the Senator from Utah [Mr. SMOOT]. He informs me that similar provisions are frequently placed in tariff laws and that they are not difficult of administration. I think there would be no more difficulty in this case than in any other case.

Mr. TYDINGS. It seems to me that an importer could import gypsum for fertilizer, and after he got it in the country there is no law barring the sale of it to some one else to be used in building materials.

Mr. BROOKHART. If the Senator's position is correct, those who are asking for a tariff duty on gypsum would have to take that chance. It would be against their interest rather than in their interest, but I imagine they are not afraid of taking that risk.

Mr. GLENN. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Illinois?

Mr. TYDINGS. I yield to the Senator.

Mr. GLENN. I was just wondering, if the farmer ought to get gypsum free of duty for fertilizer, why he should not get it also free of duty when he uses it in the construction of houses.

Mr. TYDINGS. I raised the same question. I asked the Senator from Iowa that question.

Mr. BROOKHART. I shall be glad to answer that question if the Senator will permit me.

The VICE PRESIDENT. Does the Senator from Maryland yield for that purpose?

Mr. TYDINGS. Yes.

Mr. BROOKHART. Because Senators like the Senator from Illinois refuse to give us free trade and a fair deal on everything.

Mr. GLENN. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Illinois?

Mr. TYDINGS. I yield to the Senator from Illinois.

Mr. GLENN. Does the Senator from Iowa mean to say that he is an absolute free trader?

Mr. BROOKHART. On some things I am; yes.

Mr. TYDINGS. I was wondering also why it was that the Senator was willing to make the farmer's gypsum which is used in building his house cost him more, and not willing to have the farmer's cement which is used in building his house cost him more.

Mr. BROOKHART. Mr. President, the Cement Trust has all the profits it needs to live and survive in my State and in all other States. The gypsum companies in my State, which the farmers would like to keep there, are not prosperous. They are all of them in hard lines because of this foreign competition. That is the exact situation.

Mr. TYDINGS. Then, as I understand, whenever the trusts get hold of the gypsum interests in America, the Senator will be for repealing the duty?

Mr. BROOKHART. The trusts have hold of them now, and they have gone across the line into Canada and into Mexico in order to produce this situation. That is why it is. The trust is the one that is for free trade and opposing the rate.

Mr. TYDINGS. Then, although the gypsum industry is now in the hands of a trust, the Senator is willing to put a tariff on gypsum in order further to increase the profits of the trust, according to his last statement.

Mr. ODDIE. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Nevada?

Mr. TYDINGS. I yield.

Mr. ODDIE. The idea of an adequate duty on gypsum is to protect the American producer and the American manufacturer against the importation of the foreign product. We have numbers of American gypsum plants and gypsum deposits, and we do not want those put out of business. They are employing American labor at good wages.

Mr. TYDINGS. Mr. President, I understand perfectly well where the Senator from Nevada stands on these matters; but I can not understand the position of the Senator from Iowa. I have no quarrel with the philosophy of protection; but I was wondering how the philosophy of the Senator from Iowa would fit this situation, in view of his past votes.

Mr. THOMAS of Oklahoma and Mr. BROOKHART addressed the Chair.

The VICE PRESIDENT. Does the Senator from Maryland yield; and if so, to whom?

Mr. TYDINGS. I yield first to the Senator from Oklahoma.

Mr. THOMAS of Oklahoma. Mr. President, does the Senator from Maryland agree with the Senator from Iowa that gypsum is now controlled by a trust?

Mr. TYDINGS. I know nothing about it.

Mr. THOMAS of Oklahoma. Assuming that the Senator from Iowa is correct—and I think he is—that gypsum is now controlled by a trust, he is trying to place a tariff on a trust-controlled article. On yesterday we put in this bill a provision that the moment a trust gets hold of an article, it immediately goes back on the free list; so, if his amendment should be adopted, the moment that becomes a law it goes off. Is that correct?

Mr. TYDINGS. That is what I understand.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Kentucky?

Mr. TYDINGS. If I may just finish this observation, may I point out to the Senator from Iowa that his State abuts on Canada, and that cement going into Canada from the United States is subject to a tariff tax of 8 cents a hundred pounds; but Canadian cement coming into the United States, with cement on the free list and the countervailing duty repealed, subjected our industry to a discrimination which Canadian cement did not have; yet, when that situation was presented to the Senate, the Senator was for permitting Canadian cement to have that advantage over the cement produced in his own country.

In gypsum, I understand that that is not the case. I may be misinformed; but while the Senator would not give the American cement industry a countervailing duty, he is in favor of placing a tariff on gypsum, although the case there is much more aggravated than in the case of cement.

Mr. BROOKHART. Mr. President, there is one trouble with the Senator's argument, and that is his geography. He has my State next to Canada, and of course it is not.

Mr. TYDINGS. I have to interrupt the Senator in my time. I wanted to talk to him. I did not want to get the ideas of the Senator from West Virginia second-hand through the Senator from Iowa, because I think the Senator from West Virginia is well able to stand on his own feet and take care of himself. I had hoped that the Senator from Iowa would do likewise, and not rely on the prompting of the Senator from West Virginia.

Mr. BARKLEY. Mr. President, I observe that this amendment carries two rates on ground gypsum. It provides:

> Crushed, advanced in value or condition by crushing, grinding, or in any other manner, $1.40 per ton.

And then:

> Ground, $2 per ton.

It strikes me that that imposes two different rates upon the same thing. If gypsum is advanced in the process of manufacture by grinding it has been ground, and therefore it is ground. In that language the Senator's amendment carries a rate of $1.40 per ton, and in the next clause says "ground, $2 per ton."

Mr. BROOKHART. There are two or three grades of grinding.

Mr. BARKLEY. But this language does not distinguish between those grades. After gypsum has been advanced by grinding, it becomes "ground."

Mr. BROOKHART. I am informed that it does distinguish, and that those different grades are well known, and that that language is used for that reason. Of course, I have not personal knowledge of that. I understand, though, from the experts, that that is true.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Nevada?

Mr. TYDINGS. I do.

Mr. PITTMAN. I am informed that this is the difference: Grinding and crushing doubles the value of the product in the market. When it is reduced to a powder, that form of gypsum is also more valuable—about 25 per cent more valuable than the ground and crushed—and the calcined is about 25 per cent more valuable still than the last product. That is as I understand it.

In other words, there are four processes that are gone through. Each process increases the value of the product. If it is not ground and crushed in Canada or Mexico, it has to be ground and crushed in the United States; and every time one of these manufacturing steps is performed, the value of the product is increased.

That is about all there is to it.

I do not know where the Senator from Kentucky is now; but I desired to call his attention to the fact that everyone, I believe, has agreed already to the 75-cent duty on the crude gypsum and $3 on the calcined gypsum. That is agreed to. The Treasury Department originally held that crushing and grinding carried it within the $1.40 duty. They subsequently reversed that decision and held that crushing did not carry it within the $1.40 duty. This amendment is nothing on earth except to interpret the act as it was originally intended when it passed and became a law, and to overcome the adverse decision of the Treasury Department.

That is all I see to it.

Mr. THOMAS of Oklahoma. Mr. President, if I may have the attention of the Senator from Iowa, I want to see if he and I do not agree. Does not the Senator from Iowa believe that a monopoly can destroy a small institution in America through the free-trade route just as well as a monopoly through tariff can destroy a small institution?

Mr. BROOKHART. Well, there might be circumstances under which it can; yes.

Mr. THOMAS of Oklahoma. Is not that true in the case of the amendment now pending before the Senate?

Mr. BROOKHART. I think it is.

Mr. THOMAS of Oklahoma. I had that viewpoint with regard to the oil situation. I am sure that there is a monopoly in oil in this country. There is only one buying power; and having that monopoly, and being against a tariff, they are using the free-trade provision and principle to destroy and crush out of existence the small independent oil producers. In this particular the oil producers are exactly on a par with the gypsum producers in the Senator's State. I wanted to bring that out, if I might, and see if he and I did not agree upon that principle.

Mr. BROOKHART. Well, yes; but the proportion of oil importations that is trust controlled, compared to this, is quite different. I am not sure that any tariff rate would benefit the Senator in his oil proposition.

I investigated the Standard Oil outfit once, from top to bottom, as a member of the committee of the senior Senator La Follette; and I am quite familiar with their power of fixing prices. I think the circumstances are such, and their power is so great, that if we should give you a tariff rate on oil they would go ahead and oppress the independent producers just as they are doing now. I do not believe it would benefit the Senator's constituents a particle to get that rate. I am entirely in sympathy with his purpose. It is only a question of whether or not, under all the circumstances, the duty would do him any good.

I can not reason out that a mere tariff rate would do the Senator any good in the oil business. It may fail on gypsum; but we have a lot better chance, under all the circumstances, than you have on oil.

Mr. SHEPPARD. Mr. President, I voted against this duty when the matter was before the Committee of the Whole; but further investigation has convinced me that a tariff is necessary to preserve the existence of independent plants and to make possible the opening of new independent units.

The dominating interest in the gypsum industry in this country has purchased cheap, foreign sources of supply, and it is using those foreign sources to throttle independent development and expansion at home. For that reason I believe that this tariff is essential, not so much for higher prices but because it makes possible the development of independent home institutions that are entitled at least to share the home market free from the domination and the threats of monopoly, or near monopoly.

Mr. COPELAND. Mr. President, I hesitate to take any time on this subject because I spoke at length when the matter was up before. However, since there is a limitation of time, perhaps I shall be borne with by the Senate.

Gypsum is taken out of the ground, and the rock is first broken up into pieces and then afterward ground. The ground gypsum is simply the gypsum as it comes from the earth, put into the form of plaster.

The reason why we are interested in this matter in my State is because we have gypsum mines there. They were in full operation until a plant was established in Staten Island which was first operated on gypsum from our mines, but afterwards operated on gypsum brought in from Nova Scotia. The trust—what is now the trust, because it supplies over 50 per cent of all the gypsum in the country—now owns its own mine, and brings from Nova Scotia this material to Staten Island and elsewhere, where it is finally prepared.

The trust is at a great advantage over the American mines, because the "mine" in Nova Scotia is really a mountain. It breaks out the rock and sends it down by gravity to the place where it is crushed, and then puts the partly manufactured gypsum on the ships and brings it down here.

The Treasury Department first took the view that when gypsum came in in that partly prepared condition it was "partly manufactured" under the tariff law. As the Senator from Nevada has said, the Treasury ruled that it was so and placed a tariff upon it; but afterward the Treasury reversed itself.

This is the point involved here: It is the question of whether or not the Senate is willing to have this industry turned over to an organization, a great combination of capital, which owns its own mine in Nova Scotia, brings its material down here, and has practically destroyed the American production of gypsum.

The question has been raised about the uses of gypsum. It is used in its plaster form in the big, expensive skyscrapers. It is used very little in the plastering of small houses. Lime is used for that purpose; and it will be found that every lime quarry in the United States favors this measure, because the gypsum process, if it goes on, is going to destroy all the American lime quarries and lime establishments.

So we have to face whether we are willing to go on with a legislative arrangement which by the combination of operations in the United States and in a foreign country is able to destroy an American industry.

This is the way the matter operates, and if I did not have pretty good evidence to this effect, I certainly would not retail any scandal. The trust goes out in Iowa—and possibly that is the reason the Senator from Iowa is interested—where there are gypsum deposits. Parties have been operating a plaster establishment in Iowa. The trust goes there, using profits made in its operations upon the coast, and opens a gypsum plant. It puts the price down to the point where the local establishment can no longer operate. Then the trust closes its own local plant. Thereafter that locality is at the mercy of the trust, because gypsum is so heavy that it can not be shipped long distances. The enterprise is largely a local operation.

Mr. BORAH. Mr. President, to what extent is the trust in possession of the gypsum products of this country?

Mr. COPELAND. Over 50 per cent.

Mr. BORAH. How is it possible, where the trust owns the property in this country, to break up the trust by levying a tariff upon the product?

Mr. COPELAND. The Senator was not in the Chamber during the early part of my remarks.

The trust started as an American institution, but now has purchased this mountain of gypsum in Nova Scotia. It has its own boats, brings the gypsum rock down from Nova Scotia to the dock at Staten Island, and there converts it, and by reason of the fact that they can do that so cheaply, American competition is destroyed. That is the exact situation.

Mr. WALSH of Massachusetts. Mr. President, are there not 11 importing companies, with 16 plants? That is my information. That is the evidence before the Finance Committee.

Mr. COPELAND. All right.

Mr. WALSH of Massachusetts. The Senator says there is one trust.

Mr. COPELAND. One company, the United States Gypsum Co., controls over 50 per cent of the output. There are some other companies. There is a company, for instance, which brings in gypsum from Canada to use in Virginia for peanut fertilization; but that is anhydrous gypsum. It is not the sort that goes into building material, and that article is left upon the free list.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. COPELAND. I will; but my time is very short.

Mr. THOMAS of Oklahoma. I would like to know the difference in principle between the case where an American company goes to Canada for its raw supply of gypsum and imports it, and the case where an American company goes to Venezuela and imports oil.

Mr. COPELAND. I can give the reason; I did so in my speech on oil. I believe by bringing in oil from outside, we will conserve our supply for the future. We have a limited supply of oil; we have unlimited quantities of gypsum. I do not regard the matters as parallel at all.

Mr. President, it is a question merely of whether the Senate is willing to maintain our American mines and gypsum mills, or whether they are willing to close them to increase still more the profits of the trust.

Mark this, that last year, on a total capital of $28,000,000, the United States Gypsum Co. made $7,000,000 in profits—25 per cent profits made by the United States Gypsum Co.! No wonder they can go to Iowa and put an establishment there out of business. They could go to any other part of our country and do the same thing.

Are we willing to permit an organization international in its activities, to control the gypsum business, or are we going to leave the little independent American establishments, each serving its locality, to go on with their work? That is the question before us.

Mr. BARKLEY. Mr. President, I wish to offer an amendment. On the fourth line of the amendment I move to strike out these words, "ground or in any other manner."

Mr. BROOKHART. Mr. President, I think there is no objection to striking out those words, as the ground gypsum is cared for in another part of the amendment.

Mr. SMOOT. If it were not done, there would be a conflict.

Mr. BARKLEY. Yes; there would be two rates.

The VICE PRESIDENT. The Senator modifies the amendment.

Mr. BROOKHART. The amendment may be modified.

Mr. COPELAND. Mr. President, if the Senator from Kentucky will yield, let me beg him not to go too far in this matter of modification. In Canada now, with the cheap Canadian labor, they are partly advancing this material toward manufacture.

Mr. BARKLEY. I understand; I am coming to that.

The VICE PRESIDENT. The time of both Senators has expired, unless they desire to offer other amendments.

Mr. BARKLEY. Mr. President, I am offering an amendment. I move to strike out the following language:

> Wall boards, plaster boards, composed wholly or in chief value of gypsum, $4 per thousand square feet.

In the present law the ground gypsum bears a rate of $1.40. The Senate committee report increased that to $3 a ton. That was disagreed to. Then the Senator from New York offered an amendment, I think in Committee of the Whole, for a tariff of $3 per ton on the crude gypsum, and it was finally reduced to 75 cents, and that amendment was defeated by a rather large vote.

Mr. WALSH of Massachusetts. Was that the amendment defeated by a vote of 9 to 63?

Mr. BARKLEY. No; I do not think that was the proportion. I think there were 17 votes cast for the 75-cent rate.

Mr. WALSH of Massachusetts. One amendment was defeated by a vote of 9 to 63.

Mr. COPELAND. Mr. President, I hope the Senator from Kentucky will not go that far, because that would mean that the trust would go into Nova Scotia and put their product into plaster board, which they would bring into the United States. Mind this, too, they have the patents, so that every concern in

this country which makes plaster board has to pay a royalty to the trust.

Mr. BARKLEY. Mr. President, this whole matter about levying this tariff on plaster board and wall board seems to have been an afterthought. A few days ago I understood that an agreement was reached by certain interests here, which were concerned about clearing up this tariff on gypsum, so as to relieve crude or partially crushed gypsum of this Treasury decision. Now an amendment is brought in, worked out to the last degree, on wall board and everything else.

I agree with the Senator that it is not fair for the gypsum to be mined in Canada by a dynamite process, by blasting, and that gypsum put through a process of crushing, reducing it to a convenient size for loading and unloading, and then have it brought in as crude. I think that crushing is one of the processes of manufacture; it is the first process in reducing the gypsum to the finished product.

To that extent I have been anxious to correct that difficulty by some language which would make it clear that where the gypsum has gone through that first process it can not come in as crude, but might come in as partially crushed or ground, and that we fix the rates accordingly.

Mr. COPELAND. Mr. President, have we ever in any bill left it to the Finance Committee to work out a compensatory rate?

Mr. BARKLEY. Wherever the Finance Committee has put a rate on the raw material, and they have felt that the compensatory rate on the finished product was justified, they have worked it out; but heretofore there has been no effort made, even in the Senator's original amendment, to put a high rate on crude gypsum. There was no effort to follow it up and put a tax on the wall boards and these plaster boards, which really are used, as has been suggested, as the poor man's building material. Of course, the same thing could be said about brick or cement. If the poor man builds he has to build out of some of those materials, and it is the poor man's building material. I do not know just what the relative difference is as to the degree of poverty that compels the use of plaster board and wall board as against brick or cement. This request being sprung here suddenly for these additional duties on wall board and plaster board, which, as far as I know, have not been considered heretofore, makes it impossible for me to vote for the amendment with the language in it to which I have referred.

Mr. COPELAND. Mr. President, as far as I am concerned, I want to see it agreed to, even if that language comes out; but I am sure the Senator from Utah will bear me out in this statement, that this would drive the trust to Nova Scotia to make the plaster board.

Mr. BARKLEY. I do not know. It might not be so bad if we could drive some of these trusts to Nova Scotia or somewhere else and get rid of them in our own country. As the Senator alongside of me says, we might drive them to Halifax.

Mr. PITTMAN. Mr. President, as I have stated before, I am going to offer an amendment.

The VICE PRESIDENT. An amendment is pending already.

Mr. PITTMAN. An amendment to the amendment?

The VICE PRESIDENT. Yes.

Mr. PITTMAN. I would like to have it stated.

Mr. BARKLEY. I move to strike from the amendment the following:

> Wall boards, plaster boards, composed wholly or in chief value of gypsum, $4 per thousand square feet.

Mr. PITTMAN. Mr. President, my desire in this matter is to reclassify and not to change the duty.

I understand that the Treasury Department, as I said before, have held that crushed or classified gypsum is still crude. That is just as absurd as holding that classified coal is the same as mine-run coal. That is not true. Classified coal sells for a great deal more than mine-run coal. Crushed gypsum sells for nearly twice as much as crude gypsum. Where the material goes through a manufacturing process all I seek is not to let it come in competition with actual, crude, mine-run gypsum.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. BARKLEY. That was the original purpose that was thought to be accomplished by the amendment suggested several days ago. That could be done by very simple language, providing that if it had gone through any process it should not come in as crude; but, in addition to all that, all these other duties have been added, which run it up to $4 a thousand square feet on wall board and plaster board, and everything that gypsum goes into the manufacture of.

Mr. PITTMAN. Mr. President, I do not desire to increase this duty at all. I simply desire to have the product classified as it was under the original language. Therefore I am in favor of this amendment.

Mr. COPELAND. Mr. President, let me ask the Senator a question. What would the wording be? What does the Senator propose to strike out? There should be some protection, because I presume, as I have suggested, the trust will go to Canada to make plaster board.

Mr. DILL. Mr. President, I understand there is a limitation of debate, and I think Senators have been running far beyond the time allotted.

The VICE PRESIDENT. It is true there is a limitation of debate, but nothing was said in the unanimous-consent agreement about a limitation in discussing an amendment to an amendment. The Chair is of the opinion that the 10-minute limitation applies to both an amendment and to an amendment to an amendment. The Chair has not insisted on that because the question has not been raised.

Mr. BARKLEY. Mr. President, I want to propound a parliamentary inquiry, or voice a rather mild protest against the suggested ruling of the Chair. Suppose an important amendment were offered, and it had been discussed by a number of Senators, and then there was a desire to offer various meritorious amendments to that amendment. Would Senators be barred from speaking if they had consumed 10 minutes on the main amendment? Would they be denied the right to speak on any amendment that might change the main amendment? I do not know that that situation will arise, but it might arise.

The VICE PRESIDENT. The unanimous-consent agreement does not seem to be printed on the daily calendar. The Chair was of the opinion that the limitation on debate applied to an amendment included an amendment to it, and would have submitted the question to the Senate as to whether or not it was intended to limit debate on an amendment to an amendment. The Chair is of the opinion, deciding the question offhand, that the limitation does apply to an amendment and also to an amendment to an amendment. However, it is a matter for the Senate to settle, and the Chair has not called anyone to order in connection with debate on an amendment to an amendment because the question is undetermined.

Mr. HARRISON. Mr. President, I happen to be the Senator who submitted the request for unanimous consent, and it was that all speeches be limited to 10 minutes on each amendment. I think that the Senate had in mind, as I know I had in mind, that when an amendment was offered a Senator might speak only once and not longer than 10 minutes.

The VICE PRESIDENT. Then, if an amendment was offered to an amendment, the 10-minute limitation would not apply.

Mr. HARRISON. I did not so understand it.

The VICE PRESIDENT. The Chair has not the unanimous-consent agreement before him, so it is impossible to pass upon it.

Mr. SMOOT. If that is the case, I think we ought to have a unanimous-consent agreement now, so there will be no question about it.

The VICE PRESIDENT. Let that be settled when the unanimous-consent agreement is before the Chair. The Chair has sent for a copy of the unanimous-consent agreement, and suggests that in the meantime the debate proceed.

Mr. PITTMAN. Mr. President, I think before we come to a discussion of the compensatory duty, we had better act on the raw material, and therefore I favor the amendment striking out the new matter, "wall boards, plaster boards, composed wholly or in chief value of gypsum, $4 per thousand square feet," being the amendment offered by the Senator from Kentucky [Mr. BARKLEY].

Mr. WALSH of Massachusetts. Mr. President, all of these rates depend upon what rate is fixed on crude gypsum in the first instance. The whole subject was discussed on February 1, and the long debate in the RECORD extends from page 2811 to page 2845. There were two votes taken. The first vote was upon the motion of the Senator from New York [Mr. COPELAND], "plaster rock or gypsum, ground or calcined, $3 per ton; crude, 75 cents per ton." Upon that amendment, the yeas were 9 and the nays were 63. The next amendment was the committee amendment. The present duty on crude rock is $1.40 per ton. The committee sought to increase that rate to $3 per ton. The committee amendment was "crushed rock or gypsum, ground or calcined, $3 per ton." That amendment was rejected by a vote of 17 yeas and 29 nays. Surely it is not possible that there has been such a reversal of sentiment in the Senate as to overturn the action taken at that time.

I ask unanimous consent that the two votes to which I have referred may be incorporated in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered. The first vote referred to is as follows:

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. McKELLAR (when his name was called). On this vote I am paired with the Senator from Delaware [Mr. HASTINGS] and withhold my vote.

Mr. FESS (when Mr. McNARY'S name was called). I desire to announce that the Senator from Oregon [Mr. McNARY] is absent on official business.

Mr. ROBINSON of Indiana (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS]. I understand if he were present he would vote as I intend to vote, and therefore I am at liberty to vote. I vote "nay."

Mr. SULLIVAN (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. BROCK]. I withhold my vote.

Mr. TRAMMELL (when his name was called). I have a pair with the senior Senator from Oregon [Mr. McNARY]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. GLENN. I have a general pair with the junior Senator from Arizona [Mr. HAYDEN]. In his absence, I withhold my vote.

Mr. SIMMONS (after having voted in the negative). I have a pair with the junior Senator from Ohio [Mr. McCULLOCH], which I transfer to the Senator from Oklahoma [Mr. THOMAS] and let my vote stand.

Mr. GEORGE. I have a general pair with the senior Senator from Colorado [Mr. PHIPPS]. In view of the announcement made by the junior Senator from Indiana [Mr. ROBINSON], I transfer that pair to the junior Senator from Mississippi [Mr. STEPHENS] and vote "nay."

Mr. HARRISON (after having voted in the negative). May I inquire if the junior Senator from Iowa [Mr. BROOKHART] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. HARRISON. On this vote I have a pair with the junior Senator from Iowa [Mr. BROOKHART]. If he were present, he would vote "yea," and if permitted to vote I would vote "nay." I withdraw my vote.

Mr. SHEPPARD. I wish to announce that on this matter the Senator from Nevada [Mr. PITTMAN] is paired with the Senator from New Jersey [Mr. KEAN].

Mr. LA FOLLETTE. I desire to announce that the junior Senator from New Mexico [Mr. CUTTING] is paired with the junior Senator from Maryland [Mr. GOLDSBOROUGH]. The junior Senator from New Mexico is unavoidably absent. If present and not paired, he would vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from Colorado [Mr. WATERMAN] with the Senator from Utah [Mr. KING].

Mr. SHEPPARD. I wish to announce that the junior Senator from Oklahoma [Mr. THOMAS] and the junior Senator from Louisiana [Mr. BROUSSARD] are absent on official business.

I also wish to announce that the senior Senator from Nevada is paired with the senior Senator from New Jersey [Mr. KEAN]. If present and not paired, the senior Senator from Nevada would vote "yea," and the senior Senator from New Jersey would vote "nay."

The result was announced—yeas 9, nays 63, as follows:

Yeas—9: Messrs. Ashurst, Baird, Barkley, Copeland, Fletcher, Hale, Robsion of Kentucky, Steck, and Walsh of Montana.

Nays—63: Messrs. Allen, Bingham, Black, Blaine, Blease, Borah, Bratton, Capper, Caraway, Connally, Couzens, Dale, Deneen, Dill, Fess, Frazier, George, Gillett, Glass, Goff, Gould, Greene, Grundy, Harris, Hatfield, Hawes, Hebert, Heflin, Howell, Johnson, Jones, Kendrick, Keyes, La Follette, McMaster, Metcalf, Moses, Norbeck, Norris, Nye, Oddie, Overman, Patterson, Pine, Ransdell, Robinson of Indiana, Schall, Sheppard, Shipstead, Shortridge, Simmons, Smith, Smoot, Steiwer, Swanson, Townsend, Tydings, Vandenberg, Wagner, Walcott, Walsh of Massachusetts, Watson, and Wheeler.

Not voting—24: Messrs. Brock, Brookhart, Broussard, Cutting, Glenn, Goldsborough, Harrison, Hastings, Hayden, Kean, King, McCulloch, McKellar, McNary, Phipps, Pittman, Reed, Robinson of Arkansas, Stephens, Sullivan, Thomas of Idaho, Thomas of Oklahoma, Trammell, and Waterman.

So Mr. COPELAND'S amendment as modified was rejected.

The second vote referred to is as follows:

The VICE PRESIDENT. Before the clerk calls the roll he will state the amendment of the committee for the information of the Senate.

The LEGISLATIVE CLERK. On page 37, line 5, the committee proposes to strike out "$1.40" and insert "$3," so as to read:

"(a) Crushed rock or gypsum, ground or calcined, $3 per ton."

The VICE PRESIDENT. The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McKELLAR (when Mr. BROCK'S name was called). I desire to announce that my colleague the junior Senator from Tennessee [Mr. BROCK] is unavoidably detained from the Senate. He is paired with the junior Senator from Wyoming [Mr. SULLIVAN]. I will let this announcement stand for the day.

Mr. HARRISON (when his name was called). Making the same announcement as on the previous vote, I withhold my vote. If permitted to vote, I would vote "nay."

Mr. McKELLAR (when his name was called). As previously announced, I have a pair with the senior Senator from Delaware [Mr. HASTINGS]. I withhold my vote.

Mr. FESS (when Mr. McNARY'S name was called). The senior Senator from Oregon [Mr. McNARY] is absent on official business.

Mr. ROBINSON of Indiana (when his name was called). I understand that on this vote I am released from my general pair and am free to vote. I vote "nay."

Mr. SIMMONS (when his name was called). Making the same announcement as on the previous vote, I vote "nay."

Mr. SULLIVAN (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. BROCK]. I withhold my vote.

Mr. TRAMMELL (when his name was called). As announced on the previous vote, I have a pair with the senior Senator from Oregon [Mr. McNARY]. In his absence I withhold my vote. If permitted to vote, I should vote "nay."

The roll call was concluded.

Mr. LA FOLLETTE. Making the same announcement as on the previous vote as to the pair between the junior Senator from New Mexico [Mr. CUTTING] and the junior Senator from Maryland [Mr. GOLDSBOROUGH], I desire to announce that if the junior Senator from New Mexico were present he would vote "nay."

Mr. GEORGE. Making the same announcement with reference to my pair and its transfer, I vote "nay."

Mr. SHEPPARD. I desire to announce that the junior Senator from Arizona [Mr. HAYDEN] is paired with the junior Senator from Illinois [Mr. GLENN]. If the junior Senator from Arizona [Mr. HAYDEN] were present, he would vote "yea."

Mr. TOWNSEND. I desire to announce that the junior Senator from Maryland [Mr. GOLDSBOROUGH], if present, would vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from Colorado [Mr. WATERMAN] with the Senator from Utah [Mr. KING].

Mr. SHEPPARD. I desire to announce that the senior Senator from Nevada [Mr. PITTMAN] is paired with the senior Senator from New Jersey [Mr. KEAN]. If the senior Senator from Nevada were present, he would vote "yea."

I also wish to announce that the junior Senator from Oklahoma [Mr. THOMAS] and the junior Senator from Louisiana [Mr. BROUSSARD] are absent on official business.

The result was announced—yeas 17, nays 49, as follows:

Yeas, 17: Messrs. Baird, Bingham, Deneen, Fess, Goff, Greene, Hale, Hatfield, Johnson, Keyes, Oddie, Robsion of Kentucky, Shortridge, Smoot, Steiwer, Townsend, and Walcott.

Nays, 49: Messrs. Allen, Barkley, Black, Blaine, Blease, Borah, Bratton, Capper, Copeland, Couzens, Dill, Fletcher, Frazier, George, Gillett, Glass, Gould, Harris, Hawes, Hebert, Heflin, Jones, Kendrick, La Follette, McMaster, Metcalf, Moses, Norbeck, Norris, Nye, Overman, Patterson, Pine, Ransdell, Robinson of Indiana, Schall, Sheppard, Shipstead, Simmons, Smith, Steck, Swanson, Tydings, Vandenberg, Wagner, Walsh of Massachusetts, Walsh of Montana, Watson, and Wheeler.

Not voting, 30: Messrs. Ashurst, Brock, Brookhart, Broussard, Caraway, Connally, Cutting, Dale, Glenn, Goldsborough, Grundy, Harrison, Hastings, Hayden, Howell, Kean, King, McCulloch, McKellar, McNary, Phipps, Pittman, Reed, Robinson of Arkansas, Stephens, Sullivan, Thomas of Idaho, Thomas of Oklahoma, Trammell, and Waterman.

So the amendment of the committee was rejected.

Mr. BROOKHART. Mr. President, I will accept the amendment of the Senator from Kentucky and perfect my amendment accordingly.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa [Mr. BROOKHART] as further modified.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BINGHAM. Mr. President, may we have the amendment reported?

The VICE PRESIDENT. The amendment will be reported for the information of the Senate.

The LEGISLATIVE CLERK. Strike out paragraph 205 (a) and paragraph 1744 and substitute therefor the following:

PAR. 205 (a) Plaster rock or gypsum, crude, not used in the manufacture of fertilizers, 75 cents per ton; crushed, advanced in value or condition by crushing, $1.40 per ton; ground, $2 per ton; calcined, wall plasters, gypsum blocks, $3 per ton.

PAR. 1744. Plaster rock or gypsum, crude, used in the manufacture of fertilizers.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Iowa [Mr. BROOKHART], as modified, upon which the yeas and nays have been ordered.

The legislative clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). On this vote I have a pair with the senior Senator from Oregon [Mr. MCNARY] and withhold my vote.

Mr. OVERMAN (when his name was called). Again announcing my pair with the senior Senator from Illinois [Mr. DENEEN], I withhold my vote.

Mr. ROBINSON of Indiana (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS]. In his absence, not knowing how he would vote, I withhold my vote.

Mr. SIMMONS (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. GILLETT] to the senior Senator from Minnesota [Mr. SHIPSTEAD] and vote "nay."

Mr. SULLIVAN (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. BROCK]. If allowed to vote, I would vote "nay."

Mr. THOMAS of Idaho (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WHEELER]. Therefore I withhold my vote.

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. MCKELLAR]. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. HARRISON. I transfer my pair with the senior Senator from Oregon [Mr. MCNARY] to the senior Senator from Missouri [Mr. HAWES] and vote "nay."

Mr. MCMASTER. I desire to announce that the senior Senator from Idaho [Mr. BORAH] is unavoidably absent. If present, he would vote "nay."

Mr. BARKLEY. On this matter I have a pair with the junior Senator from New Jersey [Mr. BAIRD]. Not knowing how he would vote, I withhold my vote.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Indiana [Mr. WATSON] with the Senator from South Carolina [Mr. SMITH];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING].

The result was announced—yeas 23, nays 46, as follows:

YEAS—23

Allen	Fletcher	Kendrick	Sheppard
Ashurst	Frazier	Oddie	Shortridge
Bratton	Hale	Phipps	Steck
Brookhart	Hatfield	Pittman	Steiwer
Copeland	Hayden	Ransdell	Waterman
Dill	Johnson	Robsion, Ky.	

NAYS—46

Bingham	Glass	Keyes	Simmons
Black	Glenn	La Follette	Swanson
Blaine	Goff	McCulloch	Thomas, Okla.
Blease	Goldsborough	McMaster	Trammell
Capper	Greene	Metcalf	Tydings
Caraway	Grundy	Moses	Vandenberg
Connally	Harris	Norbeck	Wagner
Couzens	Harrison	Norris	Walcott
Cutting	Hastings	Nye	Walsh, Mass.
Dale	Heflin	Patterson	Walsh, Mont.
Fess	Jones	Pine	
George	Kean	Schall	

NOT VOTING—27

Baird	Gould	Overman	Stephens
Barkley	Hawes	Reed	Sullivan
Borah	Hebert	Robinson, Ark.	Thomas, Idaho
Brock	Howell	Robinson, Ind.	Townsend
Broussard	King	Shipstead	Watson
Deneen	McKellar	Smith	Wheeler
Gillett	McNary	Smoot	

So Mr. BROOKHART'S amendment as modified was rejected.

The VICE PRESIDENT. Schedule 2 is still open to amendment.

Mr. PITTMAN. I desire to offer an amendment relative to this question.

The VICE PRESIDENT. The amendment proposed by the Senator from Nevada will be stated.

The LEGISLATIVE CLERK. The Senator from Nevada proposes as a substitute for paragraph 205 (a) and paragraph 1744 to insert the following:

PAR. 205. (a) Plaster rock or gypsum, crude, not used in the manufacture of fertilizers, 75 cents per ton; advanced in value or condition by crushing, $1.25 per ton; calcined, $3 per ton.

PAR. 1744. Plaster rock or gypsum, crude, used in the manufacture of fertilizers.

Mr. PITTMAN. Mr. President, the difference between the amendment I have offered and the amendment we have just voted on is simply this: My amendment eliminates the duty of $2 per ton for ground gypsum; there is no mention whatever of that. The amendment provides, however, if there is an advance in value of gypsum by crushing, that the duty shall be $1.25. If the crude gypsum, which means that the mine run of gypsum in all sizes is entitled to a 75-cent duty, surely after it goes through a certain process of manufacturing, which requires labor and expenses, if the product is advanced in value and sells for more in the market, we are not going to let that material come in free and compete with the mine run of gypsum in this country.

I have cut down the $1.40 duty to $1.25; I have entirely cut out the duty of $2 on ground gypsum. So there is nothing left of the duty except 75 cents per ton for crude and $1.25 per ton for crushed if the gypsum is thereby advanced in price. That is all I care to say on the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nevada [Mr. PITTMAN].

The amendment was rejected.

The VICE PRESIDENT. Schedule 2 is still before the Senate and is open to amendment.

Mr. BARKLEY. Mr. President, I offer an amendment. On page 35, paragraph 201, I move to strike out subparagraph (b).

The VICE PRESIDENT. The amendment proposed by the Senator from Kentucky will be stated.

The LEGISLATIVE CLERK. On page 35, paragraph 201, it is proposed to strike out lines 9 to 14, both inclusive, as follows:

(b) All other brick, not specially provided for: Not glazed, enameled, painted, vitrified, ornamented, or decorated in any manner, $1.25 per thousand; if glazed, enameled, painted, vitrified, ornamented, or decorated in any manner, 5 per cent ad valorem, but not less than $1.50 per thousand.

Mr. BARKLEY. Mr. President, I wish only to make a very brief statement about the amendment. The effect of the amendment, if adopted, would be to put common building brick on the free list, where they now are. The House committee and the Senate committee have recommended that a tariff of $1.25 per thousand be placed on common building brick, and on glazed, enameled, painted, vitrified, ornamented, or decorated brick, 5 per cent ad valorem, but not less than $1.50 a thousand.

We make in the United States more than 7,000,000,000 brick a year. Last year we imported 19,000,000 brick. A few days ago a very prominent contractor in New York, who builds an average of over 150 houses a year, advised me that at this time there are actually no brick coming into the United States. On account of their weight, and the transportation charges, which amount to about $7 a thousand, brick can not be imported into the United States and sold at a profit when the domestic brick is selling for less than $15 or $16 a thousand at retail.

Domestic bricks are now selling in the city of New York at $13 a thousand, and the contractor, to whom I referred a moment ago, has made his contracts for the next 12 months on a basis of $13 a thousand. Until the price of domestic brick rises to at least $15 a thousand no imports of brick can come in, because the foreign producers can not manufacture them, pay the freight on them into the United States, and sell them at retail for less than $15 of $16 a thousand. Foreign brick laid down at the docks in New York, without including any profit to the importer, but including the cost of manufacture abroad and the freight on them, cost the wholesaler or the retailer a price in excess of $13 a thousand, which is more than the price at which the domestic brick are now being retailed.

In view of the fact that bricks are one of the basic building materials and that a tariff on brick makes it more impossible to revive the building trades in the United States, it seems to me there is no justification for a tariff on this commodity.

Importations, even at their peak, amounted to but an infinitesimal percentage of the quantity produced in the United States; under present conditions none whatever are being imported, and to levy a tariff on brick for the benefit of one single community in the United States—the brickmakers of the Hudson River Valley, who enjoy by reason of their location and cheap water transportation by barge a freight rate less than is paid by anybody else in the country on similar brick—is wholly unjustifiable, even if it be conceded that all the bricks practically that have been coming into the United States come into the city of New York. The great city of New York is entitled at least to have that much competition, because out of the 7,000,000,000 brick made in the United States New York City uses about 1,000,000,000; and even in normal times the importation amounted to only about seventy or eighty million brick. Last year it amounted to only 19,000,000, and at this time none whatever are coming in, according to the information which I have received from reliable sources.

I do not wish to say anything more about the amendment. I hope that we may have a vote speedily and that the amendment may be adopted.

Mr. COPELAND. Mr. President, as in the case of gypsum, I hesitate to take any time, but this matter is of great concern to every seaport community. It is kind of the Senator from Kentucky, to speak so eloquently in defense of the builders of New York. Of course, the cheaper they buy their brick the more money they will make.

Mr. BARKLEY. Mr. President, will the Senator from New York yield there?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Kentucky?

Mr. COPELAND. I yield.

Mr. BARKLEY. The builders are buying their brick now exclusively from American producers.

Mr. COPELAND. And why? Because, in order to keep the brick plants running up on the Hudson River, the manufacturers are selling at less than the cost of production. So long as they have any surplus of funds or can borrow money they can go on operating at a loss.

The philosophy of the Senator from Kentucky and my philosophy are as far apart as the poles. I can not understand the attitude of men in this body who seem so keen to hamper and destroy American industry. That is exactly what is proposed by the amendment now pending—to put out of commission the brick business, to destroy its efforts to continue in operation and to employ labor.

I could understand some votes which were cast here a little while ago. The trust did not want any tariff on crude gypsum; the trust wants to bring the Canadian raw material into the United States.

Mr. PINE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Oklahoma?

Mr. COPELAND. I yield.

Mr. PINE. Was that the reason votes were cast against the amendment offered in behalf of the oil producers?

Mr. COPELAND. I know the oil producers will take it out of the hide of every Senator who did not vote with them on oil, but the two questions are entirely different.

Mr. PINE. In what way?

Mr. COPELAND. We have in the soil of America a limited quantity of oil, enough to last us——

Mr. PINE. Mr. President——

Mr. COPELAND. Mr. President, I am not going to spend my limited time in arguing with the Senator; I am going to answer his question respectfully and completely if I can, but I want to spare some time in order that I may say something about brick.

We have a limited quantity of oil in the soil of America, and I say that if I should vote to hasten the destruction of the supply of oil in America I would be unpatriotic. I do not ask any other man to accept the standard which I raise for myself; he has, of course, the privilege of following any standard he desires.

Mr. PINE. Mr. President, will the Senator yield?

Mr. COPELAND. But that is the standard I have set for myself, and I would consider myself unpatriotic if I should vote otherwise than I have voted.

Mr. PINE. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Oklahoma?

Mr. COPELAND. No; I do not yield.

I assume that since the Senate has decided twice, I think, to retain a tariff rate upon brick it will continue to take that position.

Now I wish to answer for the RECORD the statement of the Senator from Kentucky to the effect that there are no importations of brick.

There are potential importations. The Senator from Kentucky says when the price gets to a certain figure brick will come in. Of course, our brick producers, who are just as wise as any other business men in the world, know where that point is, and they will keep the price below that figure in order to exclude foreign brick.

Now, the question is, Does the Senate wish the brick manufacturers to go on and use up their surplus funds and their credit at the bank, and then be forced to close down? If the Senate should bring about that condition, brick will be brought in from Europe, but they will not be sold here at any cheap price; they will be sold at a high price because of the lack of American competition. So, Mr. President, if the Senate is interested in the welfare of labor it is going to vote to maintain the tariff upon brick.

I get tired of hearing speeches about unemployment which are followed immediately by votes which will create more unemployment. Every time an American industry is hampered and hamstrung it means unemployment to the workingmen of America. I am not here to argue for any corporation or for more profits for corporations, but I am here to plead for the American workingmen and the families of those workingmen, and, in my opinion, so far as brick is concerned, the very life and continuance of the industry depends upon the retention of a tariff rate. So, Mr. President, I hope the amendment will be defeated.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Kentucky.

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	George	Kean	Sheppard
Barkley	Glass	Kendrick	Shortridge
Bingham	Glenn	Keyes	Simmons
Black	Goff	La Follette	Smoot
Blaine	Goldsborough	McCulloch	Steck
Blease	Gould	McMaster	Steiwer
Borah	Greene	McNary	Sullivan
Bratton	Grundy	Metcalf	Swanson
Brookhart	Hale	Moses	Thomas, Idaho
Capper	Harris	Norbeck	Thomas, Okla.
Caraway	Harrison	Norris	Trammell
Connally	Hastings	Nye	Tydings
Copeland	Hatfield	Oddie	Vandenberg
Couzens	Hayden	Overman	Wagner
Dale	Hebert	Phipps	Walcott
Dill	Heflin	Pine	Walsh, Mass.
Fess	Howell	Ransdell	Walsh, Mont.
Fletcher	Johnson	Robsion, Ky.	Waterman
Frazier	Jones	Schall	Watson

The VICE PRESIDENT. Seventy-six Senators have answered to their names. A quorum is present. The question is on the amendment offered by the Senator from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. OVERMAN (when his name was called). I transfer my pair with the Senator from Illinois [Mr. DENEEN] to the Senator from Arizona [Mr. ASHURST] and will vote. I vote "yea."

Mr. LA FOLLETTE (when Mr. SHIPSTEAD's name was called). I desire to announce that if the Senator from Minnesota [Mr. SHIPSTEAD] were present he would vote "yea."

Mr. STEIWER (when his name was called). On this question I have a special pair with the senior Senator from New Mexico [Mr. BRATTON] and therefore withhold my vote.

Mr. THOMAS of Idaho (when his name was called). I have a general pair with the Senator from Montana [Mr. WHEELER]. If he were present, I am informed that he would vote "yea." If I were at liberty to vote, I should vote "nay."

Mr. WAGNER (when his name was called). I am paired with the junior Senator from Missouri [Mr. PATTERSON]. I am informed, however, that if he were present he would vote as I shall vote. I vote "nay."

Mr. WATSON (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from New Jersey [Mr. BAIRD] and will vote. I vote "nay."

The roll call was concluded.

Mr. THOMAS of Idaho. I transfer my pair to the junior Senator from Missouri [Mr. PATTERSON] and will vote. I vote "nay."

Mr. SIMMONS. I transfer my pair with the Senator from Massachusetts [Mr. GILLETT] to the Senator from Minnesota [Mr. SHIPSTEAD]. I vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Delaware [Mr. TOWNSEND] with the Senator from Tennessee [Mr. MCKELLAR];

The Senator from Wyoming [Mr. SULLIVAN] with the Senator from Tennessee [Mr. BROCK];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING]; and

The Senator from Indiana [Mr. ROBINSON] with the Senator from Mississippi [Mr. STEPHENS].

The result was announced—yeas 35, nays 37, as follows:

YEAS—35

Barkley	Cutting	Heflin	Sheppard
Black	Fletcher	Howell	Simmons
Blaine	Frazier	La Follette	Steck
Blease	George	McMaster	Swanson
Borah	Glass	Norbeck	Trammell
Brookhart	Glenn	Norris	Tydings
Capper	Harris	Nye	Walsh, Mass.
Caraway	Harrison	Overman	Walsh, Mont.
Connally	Hayden	Schall	

NAYS—37

Allen	Grundy	McCulloch	Smoot
Bingham	Hale	McNary	Thomas, Idaho
Copeland	Hastings	Metcalf	Thomas, Okla.
Couzens	Hatfield	Moses	Vandenberg
Dale	Hebert	Oddie	Wagner
Dill	Johnson	Phipps	Walcott
Fess	Jones	Pine	Watson
Goff	Kean	Ransdell	
Goldsborough	Kendrick	Robsion, Ky.	
Greene	Keyes	Shortridge	

NOT VOTING—24

Ashurst	Gillett	Pittman	Stelwer
Baird	Gould	Reed	Stephens
Bratton	Hawes	Robinson, Ark.	Sullivan
Brock	King	Robinson, Ind.	Townsend
Broussard	McKellar	Shipstead	Waterman
Deneen	Patterson	Smith	Wheeler

So Mr. BARKLEY's amendment was rejected.

The VICE PRESIDENT. The schedule is in the Senate and open to amendment.

Mr. NYE. Mr. President, I send to the desk the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The Senator from North Dakota moves on page 37, line 7, after the word "clinker" and the comma, to strike out the words "8 cents per 100 pounds, including the weight of the container" and to insert in lieu thereof the words "3 cents per barrel."

The VICE PRESIDENT. That amendment is not in order. The committee amendment has been disposed of.

Mr. NYE. The Chair rules that it is not in order?

The VICE PRESIDENT. That is the ruling of the Chair. The schedule is still in the Senate and open to amendment.

Mr. COPELAND. Mr. President, did the Senator from New Jersey [Mr. KEAN] desire to offer an amendment?

The VICE PRESIDENT. There is no amendment pending.

Schedule 2 is still in the Senate and open to amendment. If there be no further amendment, Schedule 3 is in order. Schedule 3 is in the Senate and open to amendment. If there be no amendment to Schedule 3——

Mr. TRAMMELL. Mr. President, on what page does that schedule begin?

The VICE PRESIDENT. Page 56.

Mr. ODDIE. Mr. President, I suggest an amendment on antimony and ask that it be read.

The CHIEF CLERK. The Senator from Nevada offers the following amendment: To strike out paragraph 276 and insert——

The VICE PRESIDENT. That amendment is not in order.

Mr. ODDIE. Would it be in order by unanimous consent?

The VICE PRESIDENT. It would be in order by unanimous consent only.

Mr. ODDIE. I ask unanimous consent that the amendment be acted on.

Mr. SWANSON. What is that?

The VICE PRESIDENT. The Senator from Nevada proposes an amendment, which is not in order, and asks unanimous consent that it may be considered in order and acted on.

Mr. SMOOT. Let it be reported.

The VICE PRESIDENT. The clerk will report the amendment.

The CHIEF CLERK. The Senator from Nevada offers the following amendment: Strike out paragraph 376 and insert the following:

PAR. 376. Antimony, as regulus or metal, 4 cents per pound; needle or liquidated antimony, one-fourth of 1 cent per pound.

Mr. BARKLEY. Mr. President, I shall have to object.

The VICE PRESIDENT. Objection is made.

Mr. HEFLIN. Mr. President, has Schedule 3 been passed?

The VICE PRESIDENT. Schedule 3 is in the Senate and open to amendment.

Mr. SHORTRIDGE. Mr. President, I have heretofore submitted proposed amendments. It will be seen by Senators present—and I shall detain the Senate for but a few moments——

Mr. HEFLIN. Mr. President, if the Senator will yield, I wonder if we can get unanimous consent to limit debate on this schedule to five minutes.

The VICE PRESIDENT. There is already a limitation of 10 minutes.

Mr. HEFLIN. Ten minutes is pretty long.

Mr. SHORTRIDGE. I may not consume that much time. I had thought the senior Senator from Nevada [Mr. PITTMAN] would be present. I understood he was to go into the details and explain the scope and effect of this amendment. I am sure he is able to do so much more clearly than I am, as the amendment relates to tungsten.

Mr. PHIPPS. Mr. President, may we have the amendments reported?

Mr. SHORTRIDGE. I ask that they be reported formally.

The VICE PRESIDENT. The clerk will read the amendment.

The CHIEF CLERK. The Senator from California offers the following amendment, on page 57, to strike out lines 22 to 25, paragraph 3021, dealing with the rate on tungsten, and to insert the following:

(f) Tungsten metal, tungsten carbide, and mixtures or combinations containing tungsten metal or tungsten carbide, all the foregoing, in lumps, grains, or powder, 60 cents per pound on the tungsten contained therein and 50 per cent ad valorem; tungstic acid, and all other compounds of tungsten, not specially provided for, 60 cents per pound on the tungsten contained therein and 40 per cent ad valorem.

On page 58, line 1, strike out "Ferrochromium tungsten" and insert "Ferrotungsten, ferrochromium tungsten."

Mr. SHORTRIDGE. Mr. President, I read from a statement furnished me, which I understand to be accurate, and which presents the matter more clearly and more accurately than I independently could do. I therefore invite the hearing of those Senators present. I think they will agree with me that these proposed amendments should be adopted.

The sum and substance of the amendment is as follows:

(1) No additional compensatory duty is asked for on ferrotungsten and all the other manufactured products in section (g) which represent 85 per cent of all tungsten in all forms used in this country.

I hope Senators will note and appreciate the significance of what I have just read.

(2) An additional compensatory duty is asked for in connection with the chemical products of tungsten which represent not over 15 per cent of the total consumption of tungsten. At the present time 95 per cent of tungsten metal powder and tungsten carbide, which are the more important items provided for in (f), are imported.

Section (b) of paragraph 302 provides for an increased duty on tungsten ore of 5 cents per pound of contained tungsten, but no additional compensatory duties have been provided for articles manufactured from the same. Section (f) calls for an increase in the duty on tungstic acid and other compounds of tungsten from "60 cents per pound on the tungsten contained therein and 25 per cent ad valorem" to "60 cents per pound on the tungsten contained therein and 40 per cent ad valorem." This increase of 15 per cent on the ad valorem duty is exactly compensatory to the increased duty on the ore. This figure has been checked carefully by the experts of the Tariff Commission.

Upon inquiry of disinterested persons competent to advise me I am warranted in asserting that these statements are true and correct.

On tungsten metal, tungsten carbide, etc., the amendment proposes an increase from "60 cents per pound on the tungsten contained therein and 25 per cent ad valorem" to "60 cents per pound on the tungsten contained therein and 50 per cent ad valorem." To-day 95 per cent of all the materials covered by this are imported from Germany and England, and it is impossible for the American manufacturer to compete.

I hope Senators appreciate the force of what I have just read, which has been verified by the Tariff Commission, whose representatives are here, and who are, of course, entirely disinterested and honorable men.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. I yield.

Mr. COPELAND. Does the Senator's amendment have anything to do with the tungsten mentioned on line 16, which is found in scrap metal?

Mr. SHORTRIDGE. No; it has not. I submit to Senators and to the Senate, without further argument, but merely stating the facts, that this amendment which I have had the honor to propose should be agreed to.

I do not hold myself competent to go into a careful analysis. I have adopted the views of gentlemen entirely competent to analyze the metal and resultants and to compare the American industry in various phases with the foreign, and they all agree that the increase should be granted in the interest of American labor and American capital, in the interest of American citizens.

Mr. BARKLEY. Mr. President, these increases are increases which were asked of the House Ways and Means Committee and the Senate Finance Committee and in both instances declined.

Mr. SHORTRIDGE. I think not. I do not think the matter was very fully presented to the House committee. I am reminded that it was suggested to the Senate Finance Committee, but the Senator and I perhaps remember that a matter may not be thoroughly studied or finally agreed upon by the committee.

Mr. BARKLEY. It is hard to remember all the different details that were presented to the House committee and to the Senate committee. The chances are that it was presented to the House committee more in detail than to the Senate committee,

because the hearings were more elaborate in the House. I do not recall as to that. At any rate, the matter was presented to the Finance Committee, and the Finance Committee declined to grant the increases requested.

Mr. SHORTRIDGE. That is the record.

Mr. BARKLEY. The Senator is seeking to do it here.

Mr. SHORTRIDGE. I certainly am. Permit me to repeat myself, we are all conscious that the action of our committee has been in some instances modified, rates have been reduced, and rates have been increased. I am appealing now to Senators present and to the Senate. I repeat myself over and over again when I say that those who are familiar with the industry, from the ore and its resultants, think that the adoption of this amendment would be helpful to the Senator's country, to my country, to his fellow citizens, and to my fellow citizens. I have not personally, nor has the Senator, any material interest in the industries to be affected, but we are striving to help these industries and our country as a whole. That is all, and that is all that need be said.

Mr. BARKLEY. Mr. President, there are a lot of different rates in this bill which most men not experts can not understand. I gather from what the Senator has said that the information which he quoted a moment ago was from those who are interested in the increase, but not from any governmental, impartial source.

Mr. SHORTRIDGE. I read from a statement so furnished, but verified, may I suggest to the Senator, by the Tariff Commission. I make that statement, and it is a fact.

Mr. BARKLEY. Does the Senator mean officially they have made a report verifying the recommendations of these producers?

Mr. SHORTRIDGE. I think it is in writing, in existence, but I have not it at present with me here.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. With pleasure.

Mr. PHIPPS. I find in my memorandum on this item that the 1922 law provides 45 cents per pound, that the Tariff Commission made an investigation, and on its finding the Ways and Means Committee raised the rate from 45 to 50 cents a pound, which only equalizes the cost of production as between China and the United States. The Senate Finance Committee reduced the rate to 45 cents.

Mr. BARKLEY. Mr. President, the rate in the present law is 45 cents.

Mr. PHIPPS. That is my understanding.

Mr. BARKLEY. What are the rates carried in the Senator's amendments?

Mr. SHORTRIDGE. Forty and fifty per cent.

Mr. SMOOT. I think the Senator is mistaken. I have just gone over the rate. On the metal in the carbide the present law is 35 per cent and the proposed rate is 50 per cent ad valorem. On all chemicals the present law is 25 per cent and the proposed rate is 40 per cent. The Tariff Commission, after we increased tungsten itself 5 cents a pound, figured out that the increase asked for here on the metal in the carbide, as well as all chemicals from the tungsten, is about equivalent to what it was on the 5 cents per pound.

The VICE PRESIDENT. The time of the Senator from California has expired.

Mr. BARKLEY. Mr. President——

Mr. SHORTRIDGE. Mr. President, will the Senator from Kentucky yield to me?

Mr. BARKLEY. I yield.

Mr. SHORTRIDGE. Permit me to observe that I am relying somewhat upon the Senator from Nevada [Mr. PITTMAN] to supplement and strengthen what I have just stated.

Mr. SMOOT. We only want to have the facts stated.

Mr. SHORTRIDGE. That is all.

Mr. BARKLEY. Mr. President, this recommendation, if it is in the form of a recommendation from the Tariff Commission, or if it is some private figuring out of the proper compensatory duty, is something which I do not understand. I would like to know about it. Was that done since the Finance Committee acted on this matter, or was it before?

Mr. SMOOT. After it was reported the Senate itself added 5 cents per pound. I have asked experts of the Tariff Commission to figure out what the ad valorem equivalent was upon the metal in the carbide, and also on all chemicals provided for in the amendment of the Senator from California. They say, as nearly as it can be figured out, that it is within 1 per cent of the amount stated.

Mr. BARKLEY. In other words, the increase of 5 cents per pound on tungsten justifies an increase of 100 per cent on the carbide.

Mr. SMOOT. And the metals in the carbide and also the chemicals.

Mr. BARKLEY. What does the 5 cents represent in ad valorem equivalent? The point is, it seems to me, rather an unusual increase to add 100 per cent ad valorem duty on the finished product, based on a 5-cent increase in the tariff per pound on the raw product.

Mr. SHORTRIDGE. It may seem that way, but the experts studied it out carefully and thoughtfully and economically and mathematically and gave the result stated.

Mr. BARKLEY. Did they study it out politically?

Mr. SHORTRIDGE. Oh, no.

Mr. SMOOT. The loss is great in the transforming of the ores into the chemicals. My attention has been called to the fact that since that action was taken by the Senate tungsten waste that is coming in here is broken up and melted into this shape [displaying], and then is brought in here in that form. The law to-day says that it is waste, and that is what is coming here. I think it is perhaps about 90 or 95 per cent tungsten, and yet it is called waste.

Mr. PHIPPS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Colorado?

Mr. BARKLEY. I yield.

Mr. PHIPPS. I desire to call attention to the fact that the amendment only relates to 15 per cent of the total weight of tungsten that might be imported or might be produced. It comes in the acid form and is again divided into two categories. Part of it under the amendment would be raised from 25 per cent to 40 per cent ad valorem and the other elements from 25 per cent to 50 per cent ad valorem. I suggest that it is a matter that could be readily disposed of in conference.

Mr. BARKLEY. That is what I thought about a lot of these matters, but it seems we can not dispose of them in that way. We have to redispose of them over and over again here in the Senate.

Mr. PITTMAN. Mr. President, the colloquy here has explained the whole thing. The compensatory duty on the chemical manufactures has not been carried forward. There are 15 per cent of the chemical manufactures that have not had the compensatory duty carried forward to them. While I am not interested in that matter, I was greatly interested in tungsten and suported and voted for an increased duty on tungsten ores. Of course, I expected the compensatory duty to be carried forward to the manufactured articles.

The rate on ferrotungsten is not increased. There is no compensatory duty increase on ferrotungsten. There is growing up in this country a new chemical industry. It is the manufacture of tungsten carbide, which is taking the place of diamonds in the diamond drilling that is done in this country. It is comparatively a new industry. The competition is with Germany, and any competition with Germany in the chemical industry is, of course, very severe, particularly with a new industry here. I do not see where there is anything unfair, so far as the 85 per cent is concerned, in carrying forward the compensatory duty. Five cents was added to the tungsten, which would mean a 25 per cent ad valorem increase.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. COPELAND. Mr. President, I send forward an amendment which I offer.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 70, after line 16, insert the following language:

All wire fencing and all wire netting, whether galvanized or not, composed of wires smaller than 0.08 and not smaller than 0.03 of 1 inch in diameter, nine-sixteenths of 1 cent per square foot: *Provided*, That all wire fencing and all wire netting, whether galvanized or not, of a mesh 1½ inches or greater, composed of wire of a diameter not greater than 0.04½ of 1 inch and not smaller than 0.03 of 1 inch, shall be subject to a duty of five-sixteenths of 1 cent per square foot.

Mr. COPELAND. Mr. President, last fall when we had this matter up the first time an amendment similar to this——

Mr. SMOOT. Mr. President, may I ask the Senator a question?

Mr. COPELAND. Certainly.

Mr. SMOOT. If I caught the reading of the amendment, it is the same as the Finance Committee amendment?

Mr. COPELAND. Yes; it is. I ask that the matter go to conference in order that it may be considered there. There is no question about the tremendous increase in the importation of wire fencing and wire netting. In 1926 there were 100,000

bales, in 1927 there were 200,000 bales, and in 1928 there were 307,000 bales. In order to preserve this American industry I think the matter ought to go to conference.

Mr. SMOOT. I have no objection.

Mr. GEORGE. Mr. President, may I inquire of the Chair if the amendment is in order?

The VICE PRESIDENT. It is, the other amendment having been disagreed to in Committee of the Whole.

Mr. WALSH of Massachusetts. Mr. President, I would like to have inserted in the RECORD at this point two telegrams with reference to the pending amendment.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegrams are as follows:

WORCESTER, MASS., *March 21, 1930.*

DAVID I. WALSH,

Care United States Senate:

Understand tariff question on wire netting again before Senate. Severe competition exists from imported goods. We ask your earnest cooperation and vote to help protect wire netting industry.

G. F. WRIGHT STEEL & WIRE CO.

WORCESTER, MASS., *March 21, 1930.*

Senator DAVID I. WALSH,

United States Senate, Washington, D. C.

DEAR SENATOR: Schedule 3, paragraph 317, wire netting. We need increase duty on this commodity. Kindly favor us with your support.

WICKWIRE SPENCER STEEL CO.,
FRED J. CONNOR, *District Manager.*

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. COPELAND. I send to the desk another amendment, which I offer.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 56, beginning on line 15, after the comma, strike out the words "72 cents per pound on the tungsten content in excess of 0.2 of 1 per cent."

Mr. COPELAND. Mr. President, at one time in the debate the Senator from Kentucky [Mr. BARKLEY] proposed to strike out the entire proviso beginning in line 13. I am not informed regarding the other items in the proviso, but so far as tungsten is concerned, which is the matter which I wish to have stricken from the paragraph, there is a very small quantity produced in this country. There are not 300 men employed in its production, I understand. Here is an article which is used in the hardening of chilled tools, all agricultural implements, and other metal devices which are turned out where a hard-chilled tool is necessary for the procedure. Of course, I do not wish to say that this is a matter of farm relief, and yet after all, in the manufacture of every farm implement in the world these tools are used. I can see no reason why this rate of 75 cents a ton which will be levied against it should be imposed. I simply present the matter and feel that it is an item which should be stricken from the bill.

Mr. SMOOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HEBERT in the chair). Does the Senator from New York yield to the Senator from Utah?

Mr. COPELAND. I yield.

Mr. SMOOT. All I want to say to the Senator from New York is that I am fearful he does not realize what the amendment means. For instance, here [indicating] is the waste I spoke of a moment ago. It is worth in a foreign country $140 a ton. If the Senator's amendment prevails there would be a duty of 75 cents a ton on it. It is worth $140 a ton as waste. If the Senator's amendment prevails, every effective rate in paragraph 302 would be destroyed and the whole industry would be gone.

Mr. COPELAND. A little while ago I was striving to get 75 cents on crude gypsum. Here we have an article with reference to which the same principle is involved, and it is coming from abroad. The Senator from Utah voted against my gypsum proposal, and now, when it is tungsten that is involved, I can not understand why he is proposing a tariff on that article which is produced in such limited quantities in America.

Mr. SMOOT. We have one of the greatest gypsum plants in the United States right in my own State, but gypsum per ton is not worth as much as the rate the Senator desires to put upon this article. The article under discussion now is worth $140 a ton. In order to get tungsten, we have to mine through solid rock into the earth, and if we get 1 per cent of tungsten that would be 20 pounds in a ton of ore. After the mining of the ton of ore then we would have to extract the tungsten from it and pay the railroad freight from the mine to the smelter on that ore. There is no more comparison between gypsum and tungsten than there is between gold and sand.

Mr. COPELAND. Mr. President, see the position of the Senator from Utah! We do not produce in this country 25 per cent of the total amount of tungsten we use.

Mr. SMOOT. But the 25 per cent is worth more than all of the gypsum that is produced.

Mr. COPELAND. Let us set aside gypsum for the moment. Seventy-five per cent of the tungsten we use will come in from abroad, and it will be taxed at this high rate, so in order to protect that very limited proportion of tungsten developed in the United States the Senator proposes to put a high tax upon the whole amount. I am in opposition to it, and, of course, hope that the Senate will take my view.

Mr. PHIPPS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Colorado?

Mr. COPELAND. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. PHIPPS. Mr. President, shortly after the present tariff act went into effect the rate on tungsten, that being practically semiprecious metal, was so high and the material itself so valuable that it offered an inducement to manufacturers in Europe to roll into steel a high percentage of tungsten, and then deliberately to chop those steel bars into small pieces, making scrap of them, and ship them into the United States. Under the law of 1922 they sought to introduce, and for a long time succeeded in introducing, tungsten into the United States in that way. Having done that, they would then refine the steel scrap, so called, and recover the tungsten, thus evading the payment of the duty that was clearly intended to be imposed upon the importation of that article into the United States. That became such a serious menace that our tungsten mines were absolutely closed down for a period of time; in California, Nevada, and Colorado none of the mines operated because of those illegal importations of tungsten under the guise of steel scrap.

Fortunately, that situation was straightened out by the customs officials, and the practice was stopped for a long time. A series of such importations were impounded, and they were finally assessed with the duties which they legally should pay. If we should eliminate this item in this bill, such scrap could come in free of any customs dues, and it would come in in that form. The foreign dealers would then deliberately have the tungsten worked up with a base metal, ship it in here as scrap, recover the tungsten, and thereby escape the imposition of any tariff duty whatever.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nevada?

Mr. PHIPPS. I yield the floor.

Mr. PITTMAN. In other words, should this amendment be adopted, it would nullify, to a great extent, what we have already secured?

Mr. PHIPPS. Absolutely; it would make the tariff which we have adopted ineffective.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York [Mr. COPELAND].

The amendment was rejected.

Mr. COPELAND. Mr. President, I offer another amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from New York will be stated.

The CHIEF CLERK. On page 113, paragraph 389, line 5, the Senator from New York moves to strike out the numerals "30" and insert the numerals "20," so as to read:

PAR. 389. New types, 20 per cent ad valorem.

Mr. COPELAND. Mr. President, I shall take only a moment. This paragraph relates to types which are used in the printing offices. The rate in the present law is 20 per cent. The House raised that rate to 30 per cent, and the Senate committee did not change it. Mr. President, it is now a question for the Senate to decide. Here is an industry that is prosperous; there is no reason in the world why there should be an increased rate put upon type which are used in our printing offices. Certain fancy-faced type which is used in advertising is made abroad but not made in this country. There is no reason in the world why such type should be given a rate of 30 per cent; it really ought to be on the free list, but, so far as I have been able to discover from my study of the question, there is no excuse for an increase on the rate upon type.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Utah?

Mr. COPELAND. I yield to the Senator.

Mr. SMOOT. I thought the Senator from New York had concluded.

Mr. COPELAND. I yield the floor.

Mr. SMOOT. Mr. President, between 1923 and 1928 the importations of new type increased sixfold in quantity and fourfold in value. I now call the attention of the Senate to the fact that while from 1923 to 1928 the imports increased sixfold, between the years 1928 and 1929 the increase has been from 149,959 pounds in 1928 to 505,703 pounds in 1929.

Mr. President, if this industry is to continue in this country, we should recognize the fact that we will have to increase this duty from 20 per cent to 30 per cent, and the testimony before the Finance Committee without a question of doubt justified it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was rejected.

Mr. COPELAND. Mr. President, I offer one more amendment to this schedule, which I think will meet with no opposition.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 103, line 17, paragraph 368 (g), it is proposed to insert after the word "taximeters" the words "and watchmen's time detectors."

Mr. SMOOT. Mr. President, all of that language has been stricken from the bill.

The VICE PRESIDENT. The amendment is not in order.

Mr. COPELAND. I should like to understand why, Mr. President.

The VICE PRESIDENT. It is not in order, a substitute for the provision reported in the bill having been adopted and concurred in en bloc on the 4th day of March.

Mr. COPELAND. What happened at that time? Perhaps the Senator from Utah will explain to me.

The VICE PRESIDENT. The amendment as agreed to in Committee of the Whole was concurred in and there was no reservation.

Mr. SMOOT. Mr. President, I will say to the Senator that paragraph 368 of the bill, beginning on page 98, was stricken out down to and including line 18 on page 103, and that amendment was agreed to and subsequently concurred in in the Senate. In lieu of the portion stricken out the provision in the present law was inserted.

Mr. COPELAND. If the Chair will bear with me for a moment, Mr. President, watchmen's timekeepers are not made in the United States; there is not one made here. Clockwork mechanism is used, but no concern has been inclined to make them.

Mr. SMOOT. There is no way of putting the amendment in now.

Mr. COPELAND. I am extremely sorry, because I brought this matter up at some time when the bill was being considered as in Committee of the Whole and had every right to assume from what I learned somewhere that it would be in order at this time.

Mr. SMOOT. It is not in order.

Mr. COPELAND. I will ask, then, what rate is imposed upon the device to which I have referred? I am extremely sorry about it, because, as I have said, I certainly understood when I made the effort previously that this would be the proper time to present the amendment.

Mr. SMOOT. I think the present rate is either 45 or 50 per cent, but I do not remember which.

Mr. COPELAND. Mr. President, I will ask the Senator to furnish me that information, and in the meantime I will not detain the Senate.

Mr. SMOOT. I will obtain the information and furnish it to the Senator as soon as possible.

Mr. ODDIE. Mr. President, I offer an amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 56, line 5, the Senator from Nevada proposes to strike out "75 cents" and in lieu thereof to insert "1 cent per pound on the manganese contained therein."

Mr. SMOOT. That amendment is not in order, is it, Mr. President?

The VICE PRESIDENT. The amendment is not in order.

Mr. ODDIE. I ask unanimous consent that the amendment may be considered, in view of the fact that we have already acted on the manganese tariff, and this is something that comes right in line with it. It will prevent the importation of a product containing a small percentage of manganese. The law would be taken advantage of and injustice would follow if this amendment were not adopted. I ask unanimous consent that the amendment may be considered at this time.

The VICE PRESIDENT. Is there objection?

Mr. FESS. Mr. President, I do not think we want to begin that practice now.

The VICE PRESIDENT. Objection is made. The schedule is still before the Senate and open to amendment.

Mr. TRAMMELL. Mr. President, I desire to offer an amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 117, after line 17, it is proposed to insert the following as a new paragraph:

PAR. 400. Phosphate rock (phosphorites, collophane, and apatites), $2 per long ton.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Florida.

Mr. TRAMMELL. Mr. President, in the very limited time we are allowed in which to present amendments, I can not really do justice to this subject. I will attempt very briefly, however, to explain what is asked for in the amendment.

The amendment proposes to levy a duty of $2 per long ton upon phosphate rock. This is an industry which has grown up in America since 1867.

We have a large phosphate industry in America, centering principally in Florida, and until some 10 or 12 years ago the American miners supplied 90 per cent of the world's demand for phosphate rock.

It has never been an unusually prosperous business, from the standpoint of earnings, but on the part of many of the operators there has been a struggle from time to time to maintain themselves, and many of them have been forced out of business because of the lack of a reasonable return upon their investment. Within the past few years there has developed in Morocco, Africa, very serious competition with our American phosphate in the foreign markets.

Up to some six or seven years ago the American producers had an extensive trade in many of the foreign countries, such as France, Spain, Germany, and Austria, but in 1921 Morocco launched upon the business of phosphate mining on Government-owned properties, operated through Government agencies, and worked with convict labor, and more recently by Arab labor, which is employed at from 26 to 32 cents per day.

In 1921 Morocco mined about 8,000 tons of phosphate. In 1929 the output of the Morocco Government-owned and subsidized mine was 1,300,000 tons, an increase of 1,298,000 tons in eight years. They have largely occupied the field in France and Spain, they have entirely taken over Austria, and have cut very largely the consumption of American phosphate in Germany. The curtailment of the sales of American phosphate in those countries has amounted to something like 1,000,000 tons per annum within the past five or six years.

The plan of the Morocco government-owned and subsidized mines is this: They mine this phosphate, in the way that it is handled, for about $3 a ton. They go into a market which has been occupied heretofore by the products of other sections—more particularly, of course, of America. They have taken over this foreign field very largely with their Government-owned and subsidized mining carried on in Morocco until America has lost sales of 900,000 tons of phosphate per annum in Germany, France, and Spain alone; and, as I say, the Austrian market has been taken from us entirely.

The policy of this Morocco government monopoly has been, when they enter a new territory with their convict-made and subsidized product, to offer it at a ridiculously low price until they drive other phosphates out of that field. This was true in all of the foreign countries. They went into those different localities and sold their phosphates at a rate of about $4 per ton at the port in Africa, which meant a delivery price of about five dollars and a half or six dollars in most of the markets to which they shipped those products. American miners could not sell phosphate there in competition with phosphate made in this way. Our products were selling there for about $8 or $9 per ton.

They come in with their phosphate delivered at about four dollars and a half or five dollars or five dollars and a half a ton until they have driven us out of practically all the foreign markets; and as soon as they have driven us out, then the people of those localities have to pay for it.

To-day, in the same foreign localities where phosphate was sold at $4.50 and $5 per ton five years ago, when the monopoly was driving out our American phosphate, it is selling at eight dollars and something a ton, because the Morocco Government have monopolized the market, and to-day, without competition, they are making the users of phosphate pay dearly. Now they have designs upon the American market. They began to ship their phosphate into America in 1927 and 1928. Our producers

could not stand the competition. The matter was brought to the attention of the customs officials through the proper channels. An investigation was carried on. It was demonstrated that they were selling their phosphate in Baltimore—that is the principal port of entry in this country—at four dollars and something a ton, some of it at $5 delivered. An inquiry was made, and an antidumping order was made by a Treasury order based upon the facts admitted by the importers of the phosphate. So a tax of $2.68 now exists on importations to this country under the antidumping act; but the Customs Court, in passing on that, have ruled that the price in Morocco proper, where they sold only 500,000 tons, and not the price where they had been marketing, or the price of the product that they had been shipping to other foreign countries, should govern.

At home, with their subsidies, and with the sale of only something like 50,000 tons, they claimed that their production cost was only about $2.95 a ton, and they were not dumping, while at the same time over a million tons of phosphate that they sold in other sections was sold at an average of $7.68 per ton at the mine shipping port in Morocco, Africa.

So this is the issue: To-day we have a tax of $2.68 under the antidumping act. When they bring in phosphate they either have to pay that or else give bond, awaiting the final decision of the Court of Customs Appeals on the question. We are asking now for a duty of $2 a ton, which we feel is absolutely essential if the court should set aside the $2.68 duty that we now have. We have that much—$2.68 a ton—and we are merely asking for the $2 per ton so that in the eventuality of a discontinuance of the existing tax of $2.68 the producers will be protected against this foreign government-subsidized, government-owned monopoly, which otherwise would come in here and destroy our industry and then put the prices up, just as they have done in European countries. This proposed duty of $2 a ton, in the place of the $2.68 protection tax now in force, would never cause a raise of the price of phosphate. The mines have not raised the price with a tax of $2.68 on imported phosphate. But if we leave the situation so the Morocco monopoly can drive our mines in America out of business, then our people will have to pay dearly to the monopoly.

Mr. GEORGE. Mr. President, is this an amendment on phosphate rock?

Mr. TRAMMELL. Phosphate rock.

Mr. GEORGE. Used exclusively in fertilizer?

Mr. TRAMMELL. It is used extensively in fertilizer. There is about 250 to 350 pounds of phosphate used in each ton of fertilizer. If the entire tax of $2.68 that we have to-day under the antidumping act were reflected into the price of fertilizer, it would only amount to something like 28 to 30 cents a ton on fertilizer. If $2, as suggested, should be reflected into its price it would only amount to something like 15 to 25 cents a ton.

Mr. GEORGE. What I am getting at is this: It is used exclusively for fertilizer material?

Mr. TRAMMELL. That is its principal use.

Mr. GEORGE. That is its chief use?

Mr. TRAMMELL. That is its chief use; yes. Not all fertilizers use it. One-fourth of the fertilizer made in America, so I am informed, does not use phosphate.

Mr. GEORGE. Mr. President, the Congress has adopted the policy, and has adhered to it heretofore and extended it in this bill, of putting all fertilizer materials on the free list, or materials chiefly used for fertilizer. Indeed, we have already adopted an amendment which provides that notwithstanding any other specific provision in any of the schedules, any substance used chiefly for fertilizer or in the manufacture of fertilizer shall be on the free list.

While I dislike to appear in opposition to this proposed duty, it is wholly inconsistent with the policy adopted by the Congress heretofore in writing the act of 1922, and extended, as I have said, in this particular bill. If a vote is to be had upon it now, I shall suggest the absence of a quorum, because I do not believe the Congress would want to impose a duty of $2 per ton, or any other duty, upon this product.

Mr. SMOOT. Mr. President, will the Senator withhold his suggestion of the absence of a quorum and yield to me for a moment?

Mr. GEORGE. Yes, Mr. President.

Mr. SMOOT. Phosphate rock is now on the free list where it is used for fertilizer purposes. That is about all that the Senator from Florida has reference to. Does he want to take it off the free list?

Mr. TRAMMELL. It is used very largely for that purpose.

Mr. SMOOT. That is about the only thing it is used for; is it not?

Mr. TRAMMELL. It is only in the last four or five years that there was any indication that any protection whatever was needed; but it is very apparent that it is badly needed now. As I explained, we have at the present time the tax of $2.68 a ton. Our dealers have not increased the price of phosphate at all since 1907. It is selling at as low a price as it was in 1907. It is highly competitive.

Mr. SMOOT. The only reason I spoke is that it is already on the free list where used for fertilizer.

Mr. TRAMMELL. It is on the free list.

Mr. SMOOT. Does the Senator want to take it off the free list for fertilizer purposes?

Mr. TRAMMELL. I want to take it off and make the duty apply to phosphate generally, because, of course, it is principally consumed as one of the elements in fertilizer. It is a small element in fertilizer proportionately, even in weight. It is only 250 to 350 pounds per ton in weight; and as far as the cost of it is concerned, it is inconsequential as an element in fertilizer.

Mr. SMOOT. What I am afraid of is this: Under the Senator's amendment, if it were agreed to without some further action, phosphate rock would still come in free for fertilizer, because that is the chief use of it. I am simply calling the Senator's attention to the fact.

Mr. TRAMMELL. I appreciate that. I thought if we adopted this amendment we would seek to take it out of the free list paragraph or schedule.

Mr. SMOOT. We should have to do that.

Mr. GEORGE. The free list paragraph was put in in the Senate, and no reservation was made upon it. The entire language of that paragraph was changed; and clearly, it seems to me, a point of order would lie against any amendment offered to take out phosphate rock or except it from the free list. Under the provision inserted in the free list any material used principally or chiefly for fertilizer comes in free of all duty.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. GEORGE. I yield to the Senator.

Mr. WALSH of Massachusetts. Has the Senator any figures about imports? I have an impression that the imports were very slight.

Mr. FLETCHER. Mr. President, I think I can explain that.

The VICE PRESIDENT. The Senator from Georgia has the floor. Does he yield to the Senator from Florida?

Mr. GEORGE. I yield, except that before any vote is taken I want a roll call; that is all. I withhold the suggestion of the absence of a quorum for the present.

The VICE PRESIDENT. The senior Senator from Florida is recognized.

Mr. FLETCHER. Mr. President, I desire to state very briefly some concrete facts. I will get to the question asked by the Senator from Massachusetts in a moment.

In the first place, there are four favorably located fields in Florida, South Carolina, Tennessee, Kentucky, Idaho, Wyoming, and Montana, with an abundant supply of this essential plant food for thousands of years, insuring low prices to the American consumer.

In 1927 and 1928 there appeared at the port of Baltimore, for the first time in history, substantial imports of phosphate rock from Morocco. Moroccan costs, including rail and water freight to Baltimore, are actually $4.93 per gross ton less than present American costs.

At the present moment, Morocco is selling to the United States for $4 per ton, while she sells to the European markets which she controls for $7.60 per ton.

That is the situation.

Within recent months a new menace to the industry has arisen in the form of a large-scale exploitation of the phosphate deposits in British Columbia. The Consolidated Mining & Smelting Co., affiliated with the Canadian Pacific Railroad, is planning to open up the phosphate deposits in the neighborhood of Trail, British Columbia. This development will come into direct competition with the struggling industries in the Western States of Idaho, Wyoming, and Montana. The last-named States contain the largest reserve of phosphate in the United States, approximately 5,000,000,000 tons.

Efficiency of management and skill of engineers of the American producers are second to none in the world, but the American producer can not compete with a government monopoly, hiring labor at 25 cents to 32 cents a day, and enjoying a government subsidy, government transportation, and tax exemption. That is the situation in Morocco. We have to pay something like $3 a day for our common labor in these mines.

The capital investment of the American phosphate miners is $67,000,000. There are from 3,000 to 4,000 men actually en-

gaged in mining phosphate rock, and the value of the output annually is $11,234,863. In addition to all that is the transportation by rail, and other business that grows out of the successful operation of this industry.

There are over 3,000,000 tons a year produced in the United States. Practically 80 per cent of it is used in the United States. Formerly the American industry was able to export a substantial part of its production, and at one time furnished fully 90 per cent of the world's supply of phosphate. Export tonnage is now of no practical importance, due to Moroccan competition. The annual imports of phosphate rock in the United States amount to about 30,000 tons, but we must consider other factors.

Mr. WALSH of Massachusetts. Mr. President, if the Senator will yield, that does not correspond with the information I get from the Summary of Tariff Information. It is said there that the imports in 1928 amounted to 9,954 tons.

Mr. FLETCHER. They have increased since. The figures which I have show that they are 30,000 at the present time. But that is not the real picture.

A decision by the Secretary of the Treasury is as follows:

> After due investigation I find that phosphate rock from Morocco is being sold in the United States at less than its fair value, and that the industry of mining and selling phosphate rock in the United States has been and is likely to be injured by reason of the importation of phosphate rock into the United States from Morocco.

And an imposition of dumping duties has been made, under the antidumping act of 1921.

That, of course, has put some check on the importations, but an appeal has been taken from that decision, and we do not know whether that will continue or not.

Shipments from Morocco have been held up under the provisions of the tariff law of 1922, excluding convict-made goods.

But these are merely expedients, because if the courts sustain dumping duties dumping can be discontinued and sales made here at less than American costs, and already the French Government in Morocco is giving up the employment of convict labor.

Some idea of the potential imports of Moroccan phosphate rock can be gained from the fact that their marketed products amounted in 1921 to 8,000 tons, and 1,650,000 tons in 1929, and the further fact that their program calls for the production of 3,000,000 tons by the year 1932 and at least 5,000,000 tons by the end of 1936. That is the prospect ahead of us.

As soon as the French Government became cognizant of the recent act of the Senate in passing adequate legislation against the products of convict labor they immediately took steps to eliminate use of convict labor from the mines in Morocco, but the American industry will still be unable to compete since the French Government in Morocco can employ free labor at 26 cents per diem. This must be compared with the average wage in the American phosphate mine of $3 per diem.

The question is asked, Will the imposition of $2 per ton duty on phosphate rock affect the price of fertilizer to the American farmer? That is the important question, that is the question which disturbs the Senator from Georgia, and other Senators, no doubt.

We claim that it will not, because of the competitive conditions under which the industry operates with nearly 30 competing concerns in this country. In fact, prices of phosphate rock to-day are less than they were in 1907, which demonstrates the fact that foreign competition is not necessary for maintenance of a low price level. It seems to me that is the question.

If the duty of $2 per ton should be added to the price of the American product, what would be the result in the price of the fertilizer the farmer buys? That is an important question, and we are all concerned about that. The answer to that is this: The duty will not be added, but if it were the increase in cost will not be over 30 cents per ton, or about 1 per cent of the average cost of a ton of fertilizer. The average ton of fertilizer contains about 300 pounds of phosphate rock.

I have a letter here stating that the National Fertilizer Association advises that approximately 25 per cent of all fertilizer used in the United States contains no phosphate rock.

The PRESIDING OFFICER (Mr. FESS in the chair). The Senator has one minute left.

Mr. FLETCHER. This is all I have to say. I submit the matter, unless some one wants to ask a question.

Mr. HALE. Mr. President, as the junior Senator from Florida has already explained, phosphate is one of the three ingredients used in the manufacture of fertilizer. The other two ingredients are potash and nitrogen. All of these ingredients are on the free list, and, as the Senator from Georgia has said, it has always been the policy of this Government to keep ingredients which go into fertilizer on the free list.

Mr. FLETCHER. Mr. President, let me answer the Senator there. We have no nitrogen industry in this country. We do not produce the nitrogen and we do not produce the potash. We have no potash industry in this country.

Mr. HALE. I was about to talk of the potash situation.

Mr. GEORGE. Mr. President, speaking of nitrogen, our domestic production of nitrogen takes care of more than half of our present necessities.

Mr. HALE. Mr. President, I recall that in 1922, when the last revision of the tariff took place, the question came up of placing a duty on potash. The Senator from Utah [Mr. SMOOT] made a very able argument in favor of the potash industry in this country. He showed that a certain amount of potash could be produced and was being produced in the western part of the country, and he was very anxious to have a duty placed on potash to protect that industry, so that it could develop, and eventually we could produce our own American potash.

When the matter came up in the Senate, the feeling of the Senate was shown very clearly, namely, that in the matter of fertilizer, which is used by the farmers all over the country, the opinion of the Senate was that no duty should be placed on any of the ingredients used in its make-up.

I would like to help the Senators from Florida. I have voted with them on many amendments they have offered seeking to have higher duties imposed on commodities coming from their State, but I can not act with them in this matter, which vitally affects, I believe, all of the farmers all over this country.

Mr. TRAMMELL. Mr. President, will the Senator yield for a question?

Mr. HALE. I yield.

Mr. TRAMMELL. Does not the Senator realize that it is rather false economy to allow the enemy, as it were, industrially speaking, to come into this country with their cheap convict-labor-made goods, or goods made with labor costing 25 or 26 cents a day, and gradually devour an industry? It would take only three or four years to do that. Then it will set itself up as a monopoly and make the farmers of this country pay $2 or $3 a ton more for phosphate than they are paying to-day. That has been the history when they have gone into our markets heretofore.

Mr. HALE. Mr. President, I do not believe it will work out in that way. I think when the people of Florida started their phosphate works they knew what they were about. I think they knew that they could make a profit on this material, whether or not a duty was placed on it.

Mr. TRAMMELL. Mr. President, the phosphate industry was inaugurated and became quite a business as far back as in the nineties. It was a big industry 30 or 40 years ago, and 25 years ago they were furnishing 25 per cent of all the phosphate made in the world. This competition we have had has developed only in the last three or four years, so how could they have anticipated what was going to happen with an industry across the water, under government control and ownership, and operated by convicts?

Mr. HALE. Mr. President, I have seen some of the great phosphate works in operation in Florida. Of course, I do not know what their books would show, but the general impression I got was that that was a very prosperous industry.

Mr. TRAMMELL. It is a big affair, but they can not compete with cheap labor or convict labor, and with Government-owned plants, when they pay $3 a day for their labor, which is the average they pay to their expert and other labor.

Mr. KEAN obtained the floor.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. KEAN. I yield, but I will ask the Senator not to take too much of my time.

Mr. GEORGE. I will not do so.

If any material is manufactured by convict or prison labor outside of the United States, there is an absolute prohibition in this law against its importation, and if there is the dumping of anything, there is ample provision already made for that in the present law. So there need be no fear from those two sources, so far as this commodity is concerned.

Mr. KEAN. Mr. President, I am informed by what I believe to be reliable authority that the stripping and opening of the mines in Morocco is by convict labor. Any mining man knows that the stripping and opening of the mine and getting it ready to produce the ore is the greatest cost in the production of the ore. Since we have put into this bill a clause providing that we would not allow imports into the United States of material made by convict labor, the French Government has put in some Arab labor to mine the ore. But the development of the property, the stripping of the mines and getting them ready to blast out, has all been done by convict labor, and, therefore, I am entirely in sympathy with the amendment offered by the Senator from Florida.

Mr. NORRIS. Mr. President, I suppose we have forgotten, in the mad rush of piling up rates here, the object for which Congress was called in special session. We have forgotten the farmer. We have forgotten that we unanimously, so far as I can remember now, agreed that fertilizer and fertilizer ingredients should be on the free list.

We have had pending before Congress for 10 years the Muscle Shoals proposition, and one of the great clamors made, often deceitfully made in the name of the farmer, was for cheap fertilizer. But all were unanimous in expressing a desire to get fertilizer cheap. All the consumers of the United States are directly interested, and all the farmers who use fertilizer are likewise directly interested in cheap fertilizer.

Phosphate is one of the ingredients, one of the necessary ingredients, in all fertilizer; and I would like to say to the Senators from the Southern States and the Senators from the Eastern States that from both localities comes the demand for fertilizer. Many of the farms can not be successfully tilled without fertilizer.

I come from a section of the country where very little fertilizer is used.

My constituency and the people of the States immediately surrounding my State have not the interest in the fertilizer question that the East and the South have. Are we forgetting it all at once? Are we now going to put a tariff on fertilizer? Are we going to levy a tariff on one of the necessary ingredients of fertilizer? After we decided in Committee of the Whole to do otherwise, then are we going not only before the farmers but the consumers in America and say that, notwithstanding our pledges, we have levied a tax upon a necessary ingredient of fertilizer? If I can prevent it the amendment shall not prevail without a record vote. I do not want to delay matters, but if the Senate wants to say that we are going to tax fertilizer I would like to have the constituents of every Senator in the East and the constituents of every southern Senator know that the Senate by a record vote put a tax on this product.

It is said that over in some foreign country this phosphate is produced by prison labor, and yet we have on the statute books now an absolute prohibition against bringing any such product into the United States. The Senator from New Jersey [Mr. KEAN] said that he understands, though I do not know what his authority is, that in some places they have prison labor to strip the mines and get the material ready, but it is actually shoveled out by men who are not prisoners. Does anyone suppose under such conditions that we would let it in under our law? The man who actually shovels the phosphate upon the shovel is no more a miner of the article than the man who bores the hole into which the dynamite is put or the man with another shovel, or perhaps the same shovel, who lifts the dirt off the top and shovels it out of the way. Let us not be unreasonable about the proposition. Let us face it honestly. If we want a tax on fertilizer let us place it there by a record vote.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fletcher	Heflin	Robinson, Ind.
Ashurst	Frazier	Johnson	Robsion, Ky.
Baird	George	Jones	Sheppard
Barkley	Glenn	Kean	Shortridge
Bingham	Goff	Kendrick	Smoot
Black	Goldsborough	Keyes	Steck
Blaine	Gould	La Follette	Swanson
Blease	Greene	McCulloch	Townsend
Brookhart	Hale	McMaster	Trammell
Broussard	Harris	Metcalf	Vandenberg
Connally	Harrison	Moses	Wagner
Copeland	Hastings	Norbeck	Walcott
Couzens	Hatfield	Norris	Walsh, Mont.
Dale	Hayden	Oddie	
Fess	Hebert	Ransdell	

The PRESIDING OFFICER. Fifty-eight Senators having answered to their names, a quorum is present. The question is on the amendment offered by the Senator from Florida.

Mr. NORRIS. Mr. President, I want to say a word to Senators who have just entered the Chamber. We are voting on an amendment which proposes to put a tax of $2 a ton upon phosphate rock. I simply want to call the attention of those who have not heard the debate that as I understand it this is a violation of the general understanding that fertilizer and fertilizer ingredients should remain on the free list. If the amendment is agreed to, we are taxing one of the necessary ingredients of fertilizer at the rate of $2 a ton.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was rejected.

Mr. NORRIS. Mr. President, I want to make an inquiry of the Chair. While several of us who were interested in a particular amendment were out of the Chamber, I understand that the Senator from New York [Mr. COPELAND] offered an amendment on page 70 by which the result of the vote made in Committee of the Whole was changed and a tariff placed upon wire fencing. I would like to know how that could be changed in the Senate over the action of the Committee of the Whole.

The PRESIDING OFFICER. The committee amendment was disagreed to in Committee of the Whole, and therefore it was open to amendment in the Senate.

Mr. NORRIS. Then, I ask the Chair whether the amendment, which was agreed to this afternoon, is the same as was rejected in Committee of the Whole?

The PRESIDING OFFICER. That is a matter of information and not a parliamentary inquiry. The amendment would be in order whether it was the same or not.

Mr. NORRIS. I understand that; I am not criticizing; I want to find out what are the facts.

The PRESIDING OFFICER. The present occupant of the chair does not know.

Mr. GEORGE. Mr. President, the amendment adopted a while ago is identical with the amendment rejected in Committee of the Whole, and I raised the point of order against it this afternoon.

Mr. NORRIS. I am not raising the point of order. The point I want to make is this: That amendment, after considerable debate, after rather an extended debate in Committee of the Whole, was rejected. The committee amendment which we rejected would have placed a tariff on wire fencing amounting to 90 per cent. The existing law provides a tariff of 50 per cent. That is the rate reduced to ad valorem terms. By the rejection of the committee amendment we kept this kind of wire fencing where it is now under existing law. The amendment which was agreed to to-day without a roll call and while some of us were absent from the Chamber increases that duty to 90 per cent.

It seems to me that it was an unfair advantage to take of those of us who were opposed to the amendment and who, when it was under consideration, went into it in considerable detail.

Mr. COPELAND. Mr. President——

Mr. NORRIS. It was all debated and the committee amendment was defeated by an overwhelming vote, so much so that nobody called for a record vote. To have the matter taken up when we are absent is not fair. I ask unanimous consent under those circumstances to reconsider the vote by which the amendment was agreed to this afternoon.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska?

Mr. BINGHAM. I object.

The PRESIDING OFFICER. Objection is made.

Mr. NORRIS. I move that we reconsider the vote by which the amendment was agreed to this afternoon.

Mr. BINGHAM. Mr. President, a point of order.

Mr. NORRIS. There was no roll call, and I am entitled to make the motion.

Mr. BINGHAM. Under the rule the Senator must have voted with the prevailing side in order to move to reconsider. The Senator has just told us that he was not even in the Chamber.

Mr. NORRIS. And that is true.

Mr. BINGHAM. Therefore, under the rule, he can not make the motion.

Mr. NORRIS. I can make it under the decisions. It is invariably held where there was no roll-call vote that any Senator may make a motion to reconsider.

The PRESIDING OFFICER. That is the general practice under parliamentary law and the practice of this body.

Mr. COPELAND. Mr. President, I attempted to ask the Senator from Nebraska to yield to me, but he did not do it. He said an unfair advantage was taken of him. It is not an unfair advantage to take of any Senator. The Senator ought to have been in his seat. The Senator should be here when these matters are brought up, and every other Senator should be here. He has no cause for complaint if he happens to be outside of the Chamber somewhere taking a walk or smoking a cigar or doing something else.

Mr. NORRIS. Mr. President, I shall remember what the Senator just said. I have many times refrained from doing something or taking up something because the Senator from New York was over in his big overcapitalized city attending to some other business, because he was delivering a speech over the radio, or because he was writing a medical epistle to be published in the newspapers of the United States. I was glad to accommodate him.

We meet here these days at 11 o'clock in the morning. We stay here until 10 o'clock at night. There is not a Senator in this body who is here every minute of the time. We have a certain courtesy presumably extending from one Senator to the

other. When we are trying to have some action taken by the Senate we ordinarily, if our opponents or those opposed are not in the Chamber, make the point of no quorum and get them here and let them have a "show for their white alley." I submit that there is no legal excuse for a Senator being out of the Chamber during the 11 or 12 hours we are in session, and yet there is not a Senator here, not even the Senator from New York, who remains here all that time. If he did, long before this he would have been unable to give to the world the beautiful medical instructions that he gives daily through the newspapers. He would have been wearing wings in the pearly streets long ago, because he would be disregarding his own advice that he gives to his fellow men. I wonder if in his next medical lecture he is going to say to the people, "Commence work at 10 o'clock in the morning; stay in your seats until 10 o'clock at night; that is the way to be healthy."

I have read a great many of the very useful lectures which the Senator has delivered to the public, and I have taken advantage of the advice I have obtained from him free, but for which he is paid by somebody else. I have taken advantage of those lectures to go and get something to eat once in a while, and I think of him when I eat, because I eat the things he advises me to eat. [Laughter.]

Mr. President, I also go out and get a drink once in a while, because he has advised me to do so.

Mr. McMASTER. A drink of what?

Mr. NORRIS. A drink of water, of course.

Once in a while also I am detained from my business here on the floor of the Senate by listening to the Senator from New York when he is delivering his beautiful discourses out in the cloakroom.

Mr. HARRISON. Mr. President, in order to save the time involved in voting on the motion to reconsider, I ask unanimous consent that the vote may be had direct on the amendment, so that we may have a straight vote on the question.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi? The Chair hears none. In order, however, to make the record correct, the Chair will state that, without objection, the vote is reconsidered, and the question is now before the Senate.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BINGHAM. Mr. President, the Senate having by unanimous consent reconsidered a motion by which an industry which is suffering very greatly would be benefited, the amendment offered by the Senator from New York is now before us.

It is true, Mr. President, that, as the Senator from Nebraska [Mr. NORRIS] pointed out, when this motion was previously before the Senate there was a certain amount of debate on it. The Senator from Nebraska then insisted that this was a matter in which the farmers were interested and that it was not worth while to try to save the industry of one little town in Connecticut and various other States where this type of wire netting is manufactured, because it might increase somebody's bill for wire netting.

The Senator from Nebraska is very eloquent whenever he appeals for anything for the farmer. The farmer uses fertilizer; phosphate is one of the raw materials used in fertilizer, and we must have no duty on fertilizer; and, although the Senators from Florida made an earnest plea that an industry in which their State is interested be protected against the very cheap labor of Morocco, the Senate by an overwhelming majority voted in favor of no duty on the product of that industry.

Mr. President, in regard to wire netting here involved, as a matter of fact, the consumers who will have to pay more for it—and only a very small amount more—are largely the residents of the suburbs of the big cities, who have small holdings. The quantity of wire netting which they buy is so small and insignificant that they will hardly know the difference. There will be a slight difference in the cost of building small houses, because this wire netting is now used very largely as a lath for houses where there is stucco finish on the outside of the house.

As a matter of fact, since the vote was taken in the Senate, Mr. President, a very considerable number of people employed in this industry have lost their jobs and are out of work. I remember that the Senator from Nebraska had no sympathy whatever for the small town in Connecticut. He said the workers there ought to make something else if they could not compete with the Germans in this particular field. I suppose the Senator from Nebraska, with the influence he has in this body, will succeed in preventing a reasonable increase in this duty and that the people in the little town referred to, which has only this one industry, will have to go elsewhere to find jobs in these days when it is difficult enough to find jobs, because, forsooth, some one must pay a few cents more for wire netting.

May I point out, Mr. President, to those who are interested in this subject that it is not the wire fencing that is normally used by the farmer who raises poultry? I myself am a raiser of poultry, and I know that where there are poultry runs with more than two or three hundred head of chickens there is used a heavier grade of wire netting, because this light netting does not last long enough to make its use really economical. It is not wire fencing that is referred to; the Senator from Utah pointed out that fact; it is wire netting which recently the Germans have been exporting to this country in large quantities, and the wire netting thus coming into America competes particularly with the domestic product used in the construction of houses of stucco put on laths.

Mr. President, I do not desire to repeat what I have said heretofore, but I ask Senators who are interested in seeing to it that unemployment in this country shall not be increased, who are interested in seeing to it that unnecessary suffering shall not be caused if they will not be willing to grant this very small increase in the duty on a product which is of vital concern to a considerable number of men engaged in its manufacture and on which the duty proposed will not really seriously add to the burden of anyone, because the quantity of wire netting purchased by any person in the course of a year is very small.

I hope that the amendment offered by the Senator from New York will prevail.

Mr. NORRIS. Mr. President, I will not occupy the floor long. We went over this question is detail while the bill was being considered as in Committee of the Whole, and we rejected there this very same amendment. The one now offered is verbatim the same as the one on which we then voted.

I do not suppose there is a farm between here and the Missouri River which does not have on it some of this particular kind of wire. It is chicken wire. It is used sometimes for corncribs, as I pointed out, and it is used as the Senator says, although this is the first time I heard of such use, but I take his word for it, in the building of houses.

There is on this kind of ware now a tariff duty of 50 per cent, and that rate will remain if this amendment shall be rejected. This amendment proposes to increase that tariff rate to 90 per cent.

The little town in Connecticut referred to by the Senator from that State, which seems to be living on this business, appears not to be able to get along when the consumers, the farmers of the country and the builders of homes, pay 50 per cent to them as a tax and now wants them to pay 90 per cent.

I did not say while the bill was being considered as in Committee of the Whole, as the Senator has stated, that I had no sympathy for the people who are working in the Connecticut factory, but the evidence developed the facts to be somewhat different from those given by the Senator. I did not say what he has put in my mouth, although he has come as near getting it correct as he usually does, I believe. The truth is, Mr. President, that a tariff rate of 50 per cent on this wire fencing is all that a suffering people ought to be required to pay, and there is no attempt to take that tariff off; we leave that on. Remember, Senators, when you vote on this question you are voting as between a tax of 90 per cent and a tax of 50 per cent, the latter being the rate under the existing law.

Mr. NORBECK. Mr. President, we find much difficulty in passing dollars over to everyone who is in distress or claims to be in distress. We can not give any dollars to anybody without taking them away from some one else. Here is a factory in Connecticut producing wire netting, used by the farmers generally throughout the country. They are now enjoying a tariff of 50 per cent, but the Senator from Connecticut [Mr. BINGHAM] thinks they should have 90 per cent.

I would like to help my friend the Senator from Connecticut. I think better of him than do some of my colleagues, but his plan does not seem to be reasonable. He proposes to levy the burden upon those who are least able to bear it, those who do not enjoy the advantages of a protective tariff for their products. He complains about competition from Germany on this wire netting, but our western farmers produce food and ship it to Germany in competition with these same Germans.

No one will contend there is any farm community in this country where the farmer enjoys even the wages paid the employees of the Connecticut factory. Why add to the burden of those who are receiving the smallest return for their labor?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York, on which the yeas and nays have been ordered. The Secretary will call the roll.

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COPELAND. A vote in favor of my amendment is a vote "yea."

The PRESIDING OFFICER. The Senator is correct. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. OVERMAN (when his name was called). I transfer my pair with the Senator from Illinois [Mr. DENEEN] to the Senator from Missouri [Mr. HAWES] and will vote. I vote "nay."

Mr. ROBINSON of Indiana (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS]. In his absence I withhold my vote.

Mr. LA FOLLETTE (when Mr. SHIPSTEAD'S name was called). If the senior Senator from Minnesota [Mr. SHIPSTEAD] were present, he would vote "nay."

Mr. STEIWER (when his name was called). On this question I have a special pair with the senior Senator from New Mexico [Mr. BRATTON]. In his absence from the Chamber I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. THOMAS of Idaho (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WHEELER] and therefore withhold my vote.

Mr. TOWNSEND (when his name was called). I have a general pair with the Senator from Tennessee [Mr. MCKELLAR]. I transfer that pair to the Senator from New Hampshire [Mr. KEYES] and will vote. I vote "yea."

Mr. WAGNER (when his name was called). I am paired with the junior Senator from Missouri [Mr. PATTERSON]. I am not informed as to how he would vote if present, so I withhold my vote.

Mr. WATSON (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Colorado [Mr. WATERMAN] and will vote. I vote "yea."

The roll call was concluded.

Mr. SIMMONS. I transfer my pair with the Senator from Massachusetts [Mr. GILLETT] to the Senator from Minnesota [Mr. SHIPSTEAD] and will vote. I vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Wyoming [Mr. SULLIVAN] with the Senator from Tennessee [Mr. BROCK];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING]; and

The Senator from California [Mr. JOHNSON] with the Senator from Massachusetts [Mr. WALSH].

Mr. SHEPPARD. I desire to announce that on this question the Senator from Louisiana [Mr. RANSDELL] is paired with the Senator from Oklahoma [Mr. THOMAS].

The result was announced—yeas 28, nays 38, as follows:

YEAS—28

Baird	Goff	Hebert	Robsion, Ky.
Bingham	Goldsborough	Kean	Shortridge
Broussard	Greene	McNary	Smoot
Copeland	Grundy	Metcalf	Townsend
Dale	Hale	Moses	Vandenberg
Fess	Hastings	Oddie	Walcott
Glenn	Hatfield	Phipps	Watson

NAYS—38

Allen	Connally	Hayden	Overman
Ashurst	Couzens	Heflin	Schall
Barkley	Cutting	Howell	Sheppard
Black	Dill	Jones	Simmons
Blaine	Fletcher	Kendrick	Steck
Blease	Frazier	La Follette	Swanson
Borah	George	McCulloch	Tydings
Brookhart	Glass	McMaster	Walsh, Mont.
Capper	Harris	Norbeck	
Caraway	Harrison	Norris	

NOT VOTING—30

Bratton	King	Robinson, Ark.	Thomas, Okla.
Brock	McKellar	Robinson, Ind.	Trammell
Deneen	Nye	Shipstead	Wagner
Gillett	Patterson	Smith	Walsh, Mass.
Gould	Pine	Steiwer	Waterman
Hawes	Pittman	Stephens	Wheeler
Johnson	Ransdell	Sullivan	
Keyes	Reed	Thomas, Idaho	

So Mr. COPELAND'S amendment was rejected.

Mr. COUZENS. Mr. President, I send to the desk an amendment to Schedule 3.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 113, line 1, paragraph 387, it is proposed to insert:

Milk cans, made of steel or iron, not lighter than 22-gage, United States standard, with or without tin or other plate, 40 per cent ad valorem.

The VICE PRESIDENT. The Chair is advised that milk cans were put upon the free list. If so, this amendment is not in order.

Mr. COUZENS. Will it be necessary to wait until we get to the free list to offer it? I understand that when an amendment on this subject was put in by the Finance Committee it was stricken out in Committee of the Whole. It has not been acted upon by the Senate; and I am offering an entirely new amendment.

The VICE PRESIDENT. The Chair is advised that milk cans were put upon the free list on February 26, and no separate vote was requested.

Mr. COUZENS. I understand; but this is a new amendment. This is not the same as the other amendment. The language is different, and it describes a different sort of a milk can.

Mr. BARKLEY. Mr. President, if the Senator will yield, milk cans were put on the free list by an amendment adopted in Committee of the Whole on which no reservation was made; so that that question is now settled.

The VICE PRESIDENT. That is what the Chair stated.

Mr. COUZENS. But this is not the same amendment. This is a different kind of a milk can.

Mr. BARKLEY. This type of milk can was included in those put on the free list.

Mr. COUZENS. Yes; but this is an entirely different amendment.

Mr. BARKLEY. The Senator can not dissect an amendment that has been agreed to, and say that it is different, when it was included in the original action of the Senate.

The VICE PRESIDENT. The Chair will have to hold that the amendment is out of order.

Mr. GLENN. Mr. President, I send to the desk an amendment, which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 83, line 1, after "telegraph," insert "(including printing and typewriting)."

Mr. GLENN. Mr. President, the purpose of this amendment is to endeavor to clear up some confusion which seems to me very likely to result from different paragraphs in this bill.

There has been rather recently invented, and is coming into general use by telegraph companies, apparatus in the nature of a typewriter by which messages are transcribed directly to the paper as they come over the wires.

Mr. SMOOT. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Utah?

Mr. GLENN. I do.

Mr. SMOOT. The Senator's amendment is a very proper one, and, if adopted, will prevent litigation which may arise unless those words are put in.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Illinois.

The amendment was agreed to.

Mr. GOFF. Mr. President, I sent to the desk a few moments ago an amendment, which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 83, after line 15, insert:

Apparatus, instruments, and devices having as an essential feature an electrical element or device designed or suitable for use as hearing aids for people with defective hearing, 45 per cent ad valorem.

Mr. GOFF. Mr. President, I shall consume very little time in explaining the purpose of this amendment. It relates solely and exclusively to hearing instruments and aids.

There has been no provision in the bill relating to or covering this subject matter. These hearing aids are now in their infancy as far as manufacturing is concerned. They are manufactured very largely in Germany and in France. The best information obtainable is that about 60,000 of these aids are sold annually in the United States; that about 30,000 are produced here domestically, and about 30,000 are imported.

Mr. BARKLEY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Kentucky?

Mr. GOFF. I do.

Mr. BARKLEY. I understand that the rate borne by these instruments at present is 30 per cent. The Senator seeks to raise that to 45 per cent?

Mr. GOFF. Yes; and I shall proceed to show the reason why.

Mr. BARKLEY. In other words, this is a tax on those who can not hear?

Mr. GOFF. This is a tax on those who use these instruments in aid of hearing. I do not suppose that a man who can not hear would use any such instrument. It would be a futile exercise.

Mr. BARKLEY. If he can hear only partially and needs an instrument, the Senator proposes to add 50 per cent to the cost of it by this amendment.

Mr. GOFF. Not 50 per cent to the cost.

Mr. BARKLEY. Fifty per cent to the tariff.

Mr. GOFF. I should say about 20 per cent.

Mr. President, the experience in this country of those engaged in manufacturing these hearing instruments has resulted in this very peculiar situation. It has been necessary for the companies manufacturing these hearing aids to sell at least 80 per cent of their products directly to their customers upon direct sales, and they have so done.

The imported instruments are not sold upon direct sale, but are sold to the consumer who has been educated in their use by the direct sales to these customers through the American producers. That, of course, comes about simply and solely in this way, that after the manufacturers have educated the consumer in the use of the instrument the consumer goes out and becomes an agent for his own necessities by going to the retail stores where the imported articles are offered for sale, and there seeking a comparison between the domestic and the imported article. I have discovered, after some correspondence and inquiry, that the cost of these instruments is approximately as follows, taking one of the hearing aids:

The material cost is $4.77. The labor is $2.74. The overhead of the factory is approximately $3. The cost of distribution and service direct to the consumer is about $25. The advertising is $14. The administrative overhead equals about $4, making a total cost of $57.10.

These extracts show the absolute necessity of having some protection for these instruments in an industry which is really in its infancy and which is a new enterprise in the United States.

The imported article is brought into this country very much cheaper than the approximate sum which it costs to manufacture the domestic article, and the domestic article is sold directly to the consumer at a very reasonable profit over and above the cost price.

The tariff bill as now submitted has not expressly included these instruments and does not make any express provision for their protection.

The Senator from Kentucky, in propounding the question which he did a moment ago, assumes that there is a provision in this bill which includes these instruments, and that they are already covered and protected in some applicable provision. I beg to differ with the Senator, because they are not. They are not included.

In asking to have this amendment put into the bill I am asking to have this domestic product protected and the imported article from Germany, France, and other countries excluded.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. GOFF. I yield.

Mr. LA FOLLETTE. The Senator would not wish to leave the impression that there is no protection at all under the existing law?

Mr. GOFF. I would leave the impression that these instruments, as hearing instruments, in the form in which they are, have no protection.

Mr. LA FOLLETTE. I am informed that they now bear a rate of about 35 per cent.

Mr. SMOOT. They would fall in the rubber basket clause. If the statement made by the Senator is correct, the chief value of that is rubber.

Mr. GOFF. I never made such a statement.

Mr. SMOOT. I thought the Senator did.

Mr. GOFF. I did not make any statement about rubber, and it is because of the fact that I do not understand that they consist in any material sense of rubber that this amendment is offered.

Mr. SMOOT. If the instrument were rubber, the rate would be 35 per cent; if it were metal, it would be 40 per cent; and if it were machinery, it would be about 30 per cent. I can not say which one it is, but the rate will be from 30 to 40 per cent, according as the instrument is classified as to the material out of which it is made. I do not know in which clause it would fall.

Mr. GOFF. I can not say that these instruments in any sense consist of rubber or that in any material aspect they consist of metal. In most of such instruments, of course, there is a metal wire and there is some electrical machinery and apparatus about them. While such machinery is very material in their mechanical operation, it is possibly not very material in their general construction.

Mr. SMOOT. If they come in to-day not specially provided for, they would fall in one of the three basket clauses to which I have referred.

Mr. GOFF. The Senator says they might fall within the rate of 40 per cent ad valorem?

Mr. SMOOT. Thirty-five per cent, if it is rubber.

Mr. GOFF. And 40 per cent if it is metal?

Mr. SMOOT. If not otherwise provided for, in the metal schedule the rate would be 40 per cent.

Mr. GOFF. As I understand it, they are not otherwise provided for, and this amendment, may I say to the Senator, is merely in the interest of clarifying the situation and placing these instruments in a situation where they will be protected without question or equivocation.

The PRESIDENT pro tempore. The time of the Senator from West Virginia has expired.

Mr. BARKLEY. Mr. President, the Senator from West Virginia has asked us to increase the tariff on instruments which facilitate the ability of those who are troubled with deafness, without any facts at all in so far as any investigation made by the Tariff Commission or anybody else in authority is concerned.

Nobody knows how many of these instruments are made in this country, nobody knows how many are coming in. The instrument which the Senator seeks to tax is a little earpiece, with a battery, which is fastened to the clothing of people who are unfortunate enough to be partly deaf.

If I understood the Senator's figures correctly, he said that the material costs about $4, the work about $2, and then he added general overhead and other items that brought the article up to about $57.

Mr. GOFF. Mr. President, will the Senator yield until I refresh his memory on that?

Mr. BARKLEY. Yes.

Mr. GOFF. I said the average cost per instrument is as follows: Material, $4.77; labor employed, $2.74; overhead, $2.75; cost of distribution and service—because I had previously stated that 80 per cent of them were sold generally direct to the consumer—$27; advertising, $14; administrative overhead, $4.87; making the cost approximately $71.

I also said that they were sold at a retail price of $75.

Mr. BARKLEY. Mr. President, I beg the Senator's pardon. I misunderstood him; it is worse than I thought.

In other words, you take an article that costs $6 to manufacture, $4 for material and $2 for labor, and you add to it as you pass it on from hand to hand until it gets up to $70. In other words, a $6 article is sold for $70, and you are asking us to increase the tariff on it from 30 per cent to 45 per cent.

If this amendment is agreed to, I want to be recognized to offer an amendment to put a hundred per cent duty on crutches, so that we will reach the crippled people of this country, because they are about the only ones left out. We have increased the tariff on surgical instruments, we have increased the tariff on medicines, we have increased the tariff on nearly everything, and now we are asked to increase the tariff on the deaf, and if we do that, we certainly ought not to overlook the cripples. We surely should, in some way, tax them, even though it is only through putting a tax on crutches.

Certainly there should not be serious consideration given to an amendment to add a duty of 50 per cent on an article which the unfortunate people of our country, who can not hear well, have to carry about on their bodies, which costs $6.50 to produce and sells for $70, most of the difference being pure velvet, and yet we are asked to increase the tariff 50 per cent.

Mr. BORAH. Is this a patented article?

Mr. BARKLEY. I think it is.

Mr. GOFF. No; it is not.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from West Virginia.

The amendment was rejected.

The PRESIDENT pro tempore. Further amendments are in order in Schedule 3.

Mr. COPELAND. Mr. President, I send a notice to the desk.

The PRESIDENT pro tempore. The notice will be reported for the information of the Senate.

The Chief Clerk read as follows:

Pursuant to the provision of Rule XL of the Standing Rules of the Senate, I hereby give notice of my intention to move to suspend paragraph No. 1 of Rule XIII, relating to reconsideration, for the purpose of making a motion to reconsider the vote by which the Senate concurred in the amendment to the pending tariff bill (H. R. 2667) made in the Committee of the Whole on page 7, line 12 (dealing with casein), striking out "2½ cents" and inserting in lieu thereof "5½ cents."

The PRESIDENT pro tempore. The notice will be entered in the Journal.

Mr. ODDIE. Mr. President, I send to the desk an amendment which was ruled out of order a short time ago, but which I understand is in order and has been so declared.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. The Senator from Nevada offers the following amendment, on page 56, line 5, to strike out "75 cents" and insert in lieu thereof the following:

One cent per pound on the manganese contained therein.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nevada.

Mr. ODDIE. Mr. President, this amendment will carry out the spirit of the amendment of the Senate adopted some time ago placing a duty on manganese. It will prevent the importation of manganese as something else, and it is to carry out the spirit and intent of Congress. I hope the amendment will be agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nevada.

On a division, the amendment was rejected.

Mr. GOFF. Mr. President, I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The Secretary will report the amendment.

The CHIEF CLERK. On page 107, line 10, after the word "scoops," insert the words "telegraph spoons, hand snow pushers, hand sidewalk scrapers."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from West Virginia.

Mr. GOFF. Mr. President, paragraph 373 on page 107 reads as follows:

PAR. 373. Shovels, spades, scoops, scythes, sickles, grass hooks, corn knives, and drainage tools, and parts thereof, composed wholly or in chief value of metal, whether partly or wholly manufactured, 30 per cent ad valorem.

I am asking by this amendment to insert in this paragraph telegraph spoons, hand snow pushers, and hand sidewalk scrapers, which are used as widely and as largely as the other articles therein specified. It is not raising the rate. It is only including in that rate those articles and giving the benefit of the rate to telegraph spoons, hand snow pushers, and hand sidewalk scrapers, giving them the same protection that is accorded to the other articles there designated,

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from West Virginia.

The amendment was rejected.

RENT OF BUILDINGS FOR DEPARTMENT OF AGRICULTURE (S. DOC. NO. 117)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting a proposed draft of legislation affecting an existing appropriation of the Department of Agriculture, rent of buildings and parts of buildings in the District of Columbia for use of the various bureaus, divisions, and offices of the Department of Agriculture, fiscal year 1930, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate the nomination of John J. Parker, of North Carolina, to be an Associate Justice of the Supreme Court of the United States, vice Edward T. Sanford, deceased, which was referred to the Committee on the Judiciary.

He also laid before the Senate sundry executive nominations, which were referred to the appropriate committees.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

The PRESIDENT pro tempore. Further amendments to Schedule 3 are in order. If there be no further amendments——

Mr. BARKLEY. Mr. President, I understood the Senator from North Dakota [Mr. NYE] had an amendment which he wished to offer to this schedule. I do not see him on the floor at the moment. I should like to reserve for him the right to offer the amendment to Schedule 3 when he returns to the Chamber.

The PRESIDENT pro tempore. Proceeding as we are, under unanimous consent, does the Senator from Kentucky ask unanimous consent?

Mr. BARKLEY. I do. I do not know that he wants to offer the amendment, but I should like to have unanimous consent to reserve that right for him.

Mr. SWANSON. Mr. President, if the request is limited strictly to the amendment of the Senator from North Dakota and is not to include anyone else, I am willing to consent to it. I must insist, however, that this schedule shall be concluded under the unanimous-consent agreement except that the Senator from North Dakota [Mr. NYE] may offer the amendment as suggested by the Senator from Kentucky.

Mr. BARKLEY. I would not ask this except that the Senator from North Dakota is absent at the moment.

The PRESIDENT pro tempore. The Senate concludes consideration of Schedule 3 except——

Mr. BINGHAM. Mr. President, I did not know we were so near the end of Schedule 3. I was about to leave the Chamber to get some material which I have in my office. I ask unanimous consent that I may be given a few minutes to get the material and revert to the amendment which I desire to offer, although Schedule 4 be taken up during my absence.

The PRESIDENT pro tempore. We have not yet closed Schedule 3.

Mr. BINGHAM. I ask permission to do that within 15 or 20 minutes. All I ask is an opportunity to go to my office and get my material.

Mr. SWANSON. Mr. President, I always understood that one unanimous-consent agreement could not be modified by another. I know it was the rule of the Senate at one time, because other Senators who had entered into the original agreement might not be present when the modification was suggested.

Mr. BARKLEY. Mr. President, I withdraw my request. The Senator from North Dakota [Mr. NYE] has entered the Chamber and advised me that he does not intend to offer the amendment.

The PRESIDENT pro tempore. Amendments to Schedule 3 are still in order.

Mr. BINGHAM. Mr. President, I renew my request that I may be granted a limited time, not to exceed 15 minutes, to get my samples and material and offer my amendment.

The PRESIDENT pro tempore. Is there objection?

Mr. SWANSON. I object.

The PRESIDENT pro tempore. Objection being made, the Senate concludes its consideration——

Mr. BINGHAM. Just a moment, Mr. President. Since the Senator from Virginia is so kind as to refuse to permit me to get the notes on the subject which I have in my office I shall have to do the best I can under the circumstances.

I move, on page 88, paragraph 361, line 17, to strike out the words "pincers and" and insert in lieu thereof "pincers, 10 cents each, and 60 per cent ad valorem." I do this because information and invoices have come to my attention, and it was those which I desired to secure in the 15 minutes' delay I asked, but which was not granted, because I think the Senate would be interested in seeing the type of pincers that are being produced in Germany and imported here and sold duty paid at very much less than the cost of production here. Therefore I ask that the duty may be increased in that amount in order to meet this competition and to permit the manufacture of these articles in this country.

I do not desire to take any further time of the Senate to discuss it since I was not permitted to secure the samples and invoices which I have in my office. I hope Senators will be willing to take my word for it that similar pincers and pliers, looking virtually exactly like the American pliers, are now imported and sold, with the duty paid, at less than the cost of production in this country. Therefore I ask that the amendment be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Connecticut.

Mr. BINGHAM. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LA FOLLETTE. Mr. President, as there is going to be a roll-call vote on this amendment I merely want to state that it is my information that on the cheaper type of pincers the specific duty and ad valorem duty proposed by the Senator from Connecticut would amount to 100 per cent or more.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Connecticut [Mr. BINGHAM]. On this question the yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. OVERMAN (when his name was called). I again announce my pair and withhold my vote.

Mr. ROBINSON of Indiana (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS]. In his absence, not knowing how he would vote, I withhold my vote.

Mr. SULLIVAN (when his name was called). I have a general pair with the junior Senator from Tennessee [Mr. BROCK]. I withhold my vote.

Mr. THOMAS of Idaho (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WHEELER]. If I were permitted to vote, I would vote "yea."

Mr. WATSON (when his name was called). Transferring my general pair with the senior Senator from South Carolina [Mr. SMITH] to the junior Senator from Colorado [Mr. WATERMAN], I vote "yea."

The roll call was concluded.

Mr. STEIWER. Upon this vote I have a pair with the Senator from New Mexico [Mr. BRATTON]. I understand he has not voted, and I therefore withhold my vote. If permitted to vote, I would vote "yea."

Mr. ALLEN. Upon this matter I have a pair with the junior Senator from Arizona [Mr. HAYDEN]. Not being able to secure a transfer, I withold my vote.

Mr. OVERMAN. I transfer my pair with the senior Senator from Illinois [Mr. DENEEN] to the senior Senator from Missouri [Mr. HAWES] and vote "nay."

Mr. SIMMONS. Making the same announcement as to my pair and transfer as on the previous vote, I vote "nay."

Mr. WAGNER. I am paired with the junior Senator from Missouri [Mr. PATTERSON]. I am not informed how he would vote if present. Therefore I withhold my vote.

Mr. CARAWAY. I transfer my pair with the junior Senator from Illinois [Mr. GLENN] to the senior Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. STEIWER. I find that I can transfer my pair with the Senator from New Mexico [Mr. BRATTON] to the Senator from Michigan [Mr. VANDENBERG], which I do, and vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The senior Senator from Massachusetts [Mr. GILLETT] with the senior Senator from North Carolina [Mr. SIMMONS];

The senior Senator from Pennsylvania [Mr. REED] with the senior Senator from Arkansas [Mr. ROBINSON];

The junior Senator from Delaware [Mr. TOWNSEND] with the senior Senator from Tennessee [Mr. MCKELLAR]; and

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING].

The result was announced—yeas 31, nays 34, as follows:

YEAS—31

Baird	Greene	Kean	Pine
Bingham	Grundy	Keyes	Robsion, Ky.
Broussard	Hale	McCulloch	Shortridge
Copeland	Hastings	McNary	Steiwer
Dale	Hatfield	Metcalf	Thomas, Okla.
Fess	Hebert	Moses	Walcott
Goff	Johnson	Oddie	Watson
Goldsborough	Jones	Phipps	

NAYS—34

Ashurst	Connally	Howell	Simmons
Barkley	Couzens	La Follette	Steck
Black	Cutting	McMaster	Swanson
Blaine	Fletcher	Norbeck	Trammell
Blease	Frazier	Norris	Tydings
Borah	George	Nye	Walsh, Mass.
Brookhart	Harris	Overman	Walsh, Mont.
Capper	Harrison	Schall	
Caraway	Heflin	Sheppard	

NOT VOTING—31

Allen	Gould	Ransdell	Sullivan
Bratton	Hawes	Reed	Thomas, Idaho
Brock	Hayden	Robinson, Ark.	Townsend
Deneen	Kendrick	Robinson, Ind.	Vandenberg
Dill	King	Shipstead	Wagner
Gillett	McKellar	Smith	Waterman
Glass	Patterson	Smoot	Wheeler
Glenn	Pittman	Stephens	

So Mr. BINGHAM'S amendment was rejected.

The PRESIDENT pro tempore. Are there further individual amendments to Schedule 3? If not, the consideration of Schedule 3 is concluded, and the Senate proceeds to the consideration of Schedule 4.

Mr. COPELAND. Mr. President, I send forward an amendment to paragraph 403.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New York will be stated.

The CHIEF CLERK. On page 118, after line 14, it is proposed by the Senator from New York to strike out lines 15 to 23, inclusive, and in lieu thereof to insert:

PAR. 403. Cedar commercially known as Spanish cedar, lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all cabinet woods (except teak), and Japanese white oak and Japanese maple: In the form of veneers, 30 per cent ad valorem; in the form of sawed boards, planks, deals, and all other forms not further manufactured than sawed, and flooring, 15 per cent ad valorem.

Mr. COPELAND. Mr. President, is the Chair puzzled about the amendment?

The PRESIDENT pro tempore. The Chair is——

Mr. COPELAND. Just one moment before the Chair rules. On March 12, 1930——

Mr. FESS. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. FESS. I do not know whether the Chair has held the amendment in order or not.

The PRESIDENT pro tempore. The Chair has not yet ruled upon that question, and the Senator from New York wishes to be heard on the question before the Chair rules.

Mr. COPELAND. On page 5092 of the CONGRESSIONAL RECORD of March 12, 1930, at the bottom of the page——

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WALSH of Montana. Have we reached the wood schedule?

The PRESIDENT pro tempore. Yes. The Senate is now on Schedule 4, paragraph 403, page 118, and the Senator from New York [Mr. COPELAND] offers an amendment, which is, in effect, to strike out and insert.

Mr. COPELAND. Mr. President, on the date to which I have referred I submitted this amendment, and the Vice President being in the chair said:

The proposed amendment is not in order at this time. It will be in order when individual amendments shall have been reached.

And on the strength of that statement I left the floor, expecting to present the amendment at this time.

Mr. FESS. Mr. President, if there be objection, I ask unanimous consent that the Senator from New York may now present the amendment.

The PRESIDENT pro tempore. The Chair does not think unanimous consent is necessary, because under the statement of facts made by the Senator from New York, the Chair is constrained to hold that the amendment is in order.

Mr. COPELAND. I thank the Chair.

The PRESIDENT pro tempore. For nothing, it being within the rule.

Mr. COPELAND. Mr. President, in the House bill, as Senators will see by referring to page 118, line 18, all these cabinet woods were included, and a duty of 10 per cent was placed upon logs and of 15 per cent upon the other items. The veneers were not included.

The next item, paragraph 404, relates to veneers of wood which are used in the construction of doors and other articles. The purpose of the amendment is to place the tropical woods, the expensive woods, upon the dutiable list, the logs to come in free, and the veneers which are made from cabinet woods to be given a rate of 30 per cent ad valorem.

The reason for asking this duty is because there has grown up in our country a tremendous business in the making of veneers. For instance, in Kansas City, Indianapolis, and other Indiana cities, and in Ohio, Kentucky, Louisiana, Florida, New Jersey, as well as in my own State, there are lumber mills importing logs of tropical woods and converting them into veneers. It is to give protection to those industries that I have presented this amendment.

There has been a tremendous increase in the importations of the expensive luxury type of veneers. In 1927 the importations were 5,302,000 square feet; in 1928 they were 6,180,000 square feet; and in 1929 they were 10,023,000 square feet.

This is an industry of great importance, and I think it will be clear to all concerned that it is entitled to this consideration. On veneers of our own American woods, obtained from trees which grow in every country, including ours, the rate reported by the committee is 20 per cent. The Senator from Michigan was fortunate enough the other day to have increased materially the rate upon plywoods by, I think, as much as 40 or 50 per cent, upon the addition of one layer of veneer to another; but the veneers which are used in the making of our very expensive furniture—the luxury furniture—are given no protection under present arrangements.

Mr. President, it would not be proper to present any appeal here for a change in a tariff rate unless we could hitch it up to the farmer in some way. As a matter of fact, there is being imported into this country a great deal of French walnut and Spanish walnut and Italian walnut and Circassian walnut in competition with American-grown walnut.

I do not know what your experience during the war was, Mr. President, but mine was this: The Boy Scouts were commissioned to make a survey of the country to locate every walnut tree, because walnut was essential in the making of rifle butts. Upon my farm some walnut trees were found; but I was happy that it was not necessary to cut them down. American walnut, however—and there is no more beautiful wood to be found anywhere—is losing out in competition with the imported European walnut product.

So, Mr. President, I appeal to the Senate that this rearrangement of the language of the House text and of the text as it came from the Finance Committee may be agreed to, and this limited protection may be afforded.

Mr. VANDENBERG. Mr. President, may I ask the Senator from New York, in my own time, how many different types of wood are covered by the general phrase "and all cabinet woods"?

Mr. COPELAND. Well, there are a good many.

Mr. VANDENBERG. How many?

Mr. COPELAND. I should say 30.

Mr. VANDENBERG. My information, Mr. President, is that there are 126 different types of wood covered by the phrase "and all cabinet woods"; in other words——

Mr. COPELAND. I think that is probably true, so far as names are concerned; but, of course, those imported into this country are a limited number, and I should say that 30 would cover them.

Mr. VANDENBERG. In other words, Mr. President, the amendment specifically names 10 woods, and then conveniently closes in 126 other woods by the simple expedient of the use of the phrase "and all cabinet woods." That is my first objection to the amendment submitted by my able friend from New York.

The Senator has particularly referred to French walnut, and has emphasized the fact that logs come in free, they being the raw material for the ultimate veneer, and that, since the logs come in free, the finished product, as a processed item, should have the benefit of this protection. I think the indisputable testimony is that it is almost impossible for domestic veneer manufacturers to obtain logs of French walnut of a quality which will make high-grade French walnut veneers; in other words, the foreign producers are shrewd enough not to let us have French walnut logs of a quality which will permit us to manufacture high-grade French walnut veneers. Therefore, the net result, as I see it, of the amendment submitted by the Senator from New York is simply to increase the cost of high-grade veneers without any possible offset to the manufacturer of high-grade furniture, who is the chief consumer of this product. Particularly in view of the basket clause, which covers 126 different types of wood without naming any of them, it occurs to me that, at this late day, with only a 10-minute opportunity to discuss the question, it is quite appropriate that the amendment should be defeated.

Mr. KEAN. Mr. President, I think the Senator from Michigan is mistaken as to the tremendous amount of French walnut used by the manufacturers of high-grade furniture. I think the piano manufacturers and the radio manufacturers use quite as much veneer as do the furniture manufacturers. It seems to me, if the French will not sell us good logs, that we had better go back to the use of other material, such as rosewood and satinwood, and various other woods of that kind, and use them in our furniture, for they are much handsomer, to my way of thinking, than the walnut to which the Senator has referred.

Mr. VANDENBERG. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Michigan?

Mr. KEAN. I yield.

Mr. VANDENBERG. If the Senator will read the amendment, he will discover that all the other woods which he has in mind are also included in the amendment of the Senator from New York.

Mr. KEAN. I knew they were included. Mr. President, I am quite familiar with the making of veneers, because as a boy I was in a mill where they made them—I used to be there a good deal—so that I know how they are made and what woods go into their making. From my experience I should think that we could make quite as good veneers, except for the cost of labor, as can be made anywhere in the world. Therefore I hope the Senator's amendment will be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New York [Mr. COPELAND]. [Putting the question.] By the sound the noes seem to have it.

Mr. COPELAND. I ask for the yeas and nays on this amendment.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. ALLEN (when his name was called). Upon this subject I have a pair with the junior Senator from Arizona [Mr. HAYDEN]. Not knowing how he would vote upon this question, I withhold my vote.

Mr. ROBINSON of Indiana (when his name was called). I have a general pair with the junior Senator from Mississppi [Mr. STEPHENS]. Not knowing how he would vote, I withhold my vote.

Mr. LA FOLLETTE (when Mr. SHIPSTEAD'S name was called). If the senior Senator from Minnesota [Mr. SHIPSTEAD] were present, he would vote "nay."

Mr. SIMMONS (when his name was called). Making the same transfer of my pair as heretofore announced, I vote "nay."

Mr. STEIWER (when his name was called). Repeating what I said a little while ago concerning my pair with the senior Senator from New Mexico [Mr. BRATTON], I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. SULLIVAN (when his name was called). I am paired with the Senator from Tennessee [Mr. BROCK]. Not knowing how he would vote, I withhold my vote.

Mr. THOMAS of Idaho (when his name was called). I am paired with the junior Senator from Montana [Mr. WHEELER], but I understand that if he were present he would vote as I shall vote. Therefore I vote "nay."

Mr. WATSON (when his name was called). I have a pair with the Senator from South Carolina [Mr. SMITH], which I transfer to the Senator from Colorado [Mr. WATERMAN], and will vote. I vote "yea."

The roll call was concluded.

Mr. BINGHAM. Has the junior Senator from Virginia [Mr. GLASS] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. BINGHAM. In his absence I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. GLENN. I have a special pair with the Senator from Arkansas [Mr. CARAWAY] and accordingly refrain from voting.

Mr. OVERMAN. I transfer my pair with the Senator from Illinois [Mr. DENEEN] to the Senator from South Carolina [Mr. BLEASE] and will vote. I vote "nay."

Mr. WAGNER. I transfer my pair with the junior Senator from Missouri [Mr. PATTERSON] to the senior Senator from Arizona [Mr. ASHURST] and will vote. I vote "yea."

Mr. FESS. I have been requested to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Delaware [Mr. TOWNSEND] with the Senator from Tennessee [Mr. MCKELLAR]; and

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING].

The result was announced—yeas 24, nays 37, as follows:

YEAS—24

Baird	Grundy	McCulloch	Ransdell
Broussard	Hale	McNary	Robsion, Ky.
Copeland	Hatfield	Metcalf	Steck
Fletcher	Hebert	Oddie	Wagner
Goff	Johnson	Phipps	Walcott
Goldsborough	Kean	Pine	Watson

NAYS—37

Barkley	Greene	Moses	Thomas, Idaho
Black	Harris	Norbeck	Thomas, Okla.
Blaine	Harrison	Norris	Trammell
Borah	Hastings	Nye	Tydings
Brookhart	Heflin	Overman	Vandenberg
Capper	Howell	Schall	Walsh, Mass.
Connally	Jones	Sheppard	Walsh, Mont.
Couzens	Keyes	Simmons	
Cutting	La Follette	Smoot	
Fess	McMaster	Swanson	

NOT VOTING—35

Allen	Dill	Kendrick	Shortridge
Ashurst	Frazier	King	Smith
Bingham	George	McKellar	Steiwer
Blease	Gillett	Patterson	Stephens
Bratton	Glass	Pittman	Sullivan
Brock	Glenn	Reed	Townsend
Caraway	Gould	Robinson, Ark.	Waterman
Dale	Hawes	Robinson, Ind.	Wheeler
Deneen	Hayden	Shipstead	

So Mr. COPELAND'S amendment was rejected.

The PRESIDENT pro tempore. Further amendments to Schedule 4 are in order.

Mr. COPELAND obtained the floor.

Mr. GOFF. Mr. President, will the Senator from New York yield for a statement?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from West Virginia?

Mr. COPELAND. I do.

Mr. GOFF. I am informed that when the amendment on brick was presented, I was registered as not voting. There was great confusion in the Senate at the time. I voted "nay," and my colleague, the Senator from Ohio [Mr. FESS], heard me so vote, but I do not think my response was heard by the clerk on account of the noise and confusion, which was so great that I could not be heard. I went out of the Chamber——

The PRESIDENT pro tempore. It being impossible to correct the record of the vote, a notation of the statement made by the Senator from West Virginia will be put into the RECORD.

Mr. HARRISON. Mr. President, do I understand from the statement that the Senator's vote is not recorded?

The PRESIDENT pro tempore. The Chair understood the Senator from West Virginia to say that he was recorded as not voting.

Mr. HARRISON. He was recorded as not voting, although he voted?

Mr. GOFF. Yes; that is exactly the statement, I will say to the Senator.

Mr. HARRISON. There was a close vote on the matter. The amendment was lost by one vote. Do I understand the Senator to say that he would have voted on the side that won?

Mr. GOFF. I voted "nay." That would make two votes by which the amendment was lost; but, in the confusion, the clerk did not hear me vote. I was seated next to the Senator from Ohio [Mr. FESS], who heard me vote.

Mr. HARRISON. Then, if the Senator's vote had been recorded, the amendment would have been defeated by 2 votes instead of 1?

Mr. GOFF. Instead of 1.

The PRESIDENT pro tempore. The Chair is informed that prior to the announcement of the vote on that amendment attention was called to the fact that the Senator from West Virginia had not been recorded. He was recorded, however, in the recapitulation, and his vote counted in the announcement as made by the Chair. The present occupant of the chair makes this statement upon information supplied at the desk.

Mr. FESS. Mr. President, in order that the clerk may not be held responsible for anything of this sort, I will state that I distinctly recall the noise in the Chamber at the time. The Senator did vote, and I understood that he was recorded. Later on, we were notified here at the desk that his vote had not been recorded. I suggested that it probably was too late to get it counted at that time; but I desire to exonerate the clerk from anything that might be subject to criticism.

The PRESIDENT pro tempore. In the opinion of the Chair, the clerk does not require exoneration, because everything that the Senator from West Virginia has brought to the attention of the Senate has been complied with. His vote was recorded and counted in the recapitulation.

The Senate still has under consideration Schedule 4; and an amendment has been offered by the Senator from New York [Mr. COPELAND], which will be stated for the information of the Senate.

The CHIEF CLERK. On page 121, line 1, after the comma, it is proposed to strike out "and" and to insert "$3 per ton and 33⅓ per cent ad valorem."

Mr. COPELAND. Mr. President, I have heard a lot about the Democratic-progressive coalition. I have heard that it would vote down all industrial rates and vote up all agricultural rates. I congratulate the coalition on this last vote! You voted to help the manufacturers of high-grade, expensive furniture by refusing to have the raw material which they use given a greater degree of protection. You voted against the interest of every farmer who has on his farm any wood that can be used for cabinetmaking purposes. That is exactly what you did.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. THOMAS of Oklahoma. Is the information the Senator is now giving something new for the Senate?

Mr. COPELAND. No; it is not new, but it is new when we apply it to the Democratic-progressive coalition.

That is what you have done. This time the "hard-boiled" ones on the other side voted for this tariff, but the Democratic-progressive coalition, representing the farmer, who would have been benefited by it, all voted against it. That is what you did.

I congratulate the reactionary Republicans. You voted once, at least—and I will testify to it at any time—for the farmer, and you voted against the manufacturers of expensive furniture. You voted for the people of the United States, and the Democratic-progressive coalition almost to a man voted in a way that will be considered reactionary to any historian who cares to study this particular era in American history.

Mr. THOMAS of Oklahoma. Will the Senator yield again, Mr. President?

Mr. COPELAND. I yield.

Mr. THOMAS of Oklahoma. Is the Senator still working under the illusion that this bill is being made according to reason or justice or equity?

Mr. COPELAND. No; but I know this, that there have been some votes cast to-day which appear to me to be punishment for not having voted for oil. That is what I have observed to-day. Do not find further fault with the Grundy-oil-lumber-shoe-leather combination. To-day all the oil men voted against several important measures, and this particular one was a measure of tremendous interest to every Southern State where gum grows, to every State in the Union where birch grows, to every State in the Union where any wood grows which could be used for cabinet purposes.

I want the country to know that this Democratic-progressive-farmer coalition failed this time to be true to the farmer. You voted against his interests.

Mr. BLACK. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from New York yield to the Senator from Alabama?

Mr. COPELAND. I yield.

Mr. BLACK. How much was the increase of the tariff the Senator was asking for?

Mr. COPELAND. Ten per cent extra on veneers of tropical woods and to put logs on the free list.

Mr. BLACK. The Senator argues that we voted against the farmers because we voted against increasing the tariff on logs?

Mr. COPELAND. No. You voted against the farmer because I was proposing to put 30 per cent on veneers, an advance of 10 per cent, in order that American woods might be protected, and the American woods grown upon the farms of American citizens might have increased value. I have some trees on my farm, but I am willing to take my own loss as sweetly as possible, but you have a lot to explain.

So far as the pending amendment is concerned, it proposes to help the farmers in another way. They have waste wood. There are little sawmills which the farmers have, where they have sawdust and slabs. Wood flour is made of the refuse from these sawmills.

I am proposing to put a tax on wood flour sufficiently high to keep out the Canadian wood flour and let our farmers have the benefit of that particular crop. That is all I have to say. I am very much obliged.

Mr. McMASTER. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. McMASTER. How many factories are there manufacturing this wood flour in the United States?

Mr. COPELAND. There are two in my State. I can not speak for the Senator's State.

Mr. McMASTER. Does the Senator think there are many in the United States?

Mr. COPELAND. No; I do not think so; but there will be more if we make it profitable to use that refuse. There has never been a time until these modern days when there was any use for this material.

Mr. McMASTER. There is one in New York, one in Maine, and one in New Hampshire. That material is used in the manufacture of linoleum, and the farmer will not be able to buy linoleum any cheaper if we put this duty on. One-tenth of 1 per cent of the farmers of the United States would ever have any advantage in selling their kindling wood for this purpose. There are only one or two little mills in the United States. It will result in the farmer being charged more for his linoleum, and it would not benefit the farmer very much.

Mr. COPELAND. Let the Senator go back to South Dakota and tell the owners of the great forests out in the Black Hills that he failed to help the Black Hills owners to get rid of their sawdust and slabs.

Mr. McMASTER. The South Dakota farmers would laugh at me if I voted to put a duty on wood flour for the purpose of benefiting them, and thus help to have the price of their linoleum raised.

Mr. COPELAND. If the Senator is not laughed at for anything more than that, I congratulate him.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was rejected.

The PRESIDING OFFICER (Mr. FESS in the chair). The schedule is still in the Senate and open to amendment. If there be no further amendment to be offered to Schedule 4, the Senate will take up Schedule 5. Schedule 4 is closed, the Chair will state, so that there will be no misunderstanding.

Mr. STECK. Mr. President, I send forward an amendment to Schedule 5.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. The Senator from Iowa offers the following amendment, on page 122, at the end of line 5, after the period, to insert the words:

Molasses imported to be commercially used for distilling purposes, 1.44 cents per pound of total sugars.

Mr. STECK. Mr. President, this is a proposal to put a tariff on blackstrap molasses. The matter was before the Senate some time ago, and it was thoroughly discussed, but I do not believe

the Members of the Senate, at the time they voted before, really understood the importance of this proposed rate on blackstrap molasses.

It will be noted from a reading of the amendment that it applies solely to blackstrap molasses imported into this country for the purposes of distillation; that is, for the purpose of making alcohol.

The history of the blackstrap molasses industry is just this in a few words: Up until 1920 most of the alcohol made in the United States was made from corn, and most of it was made in the Middle West, where the corn grows. From thirty to fifty million bushels of corn were used each year for the manufacture of alcohol.

About 1920 the producers of alcohol began the general use of blackstrap molasses for the purpose of making the alcohol. At the time they first began to use this product to make alcohol the price was about 2½ or 3 cents a gallon. From that time and up until the present time the entire blackstrap-molasses industry has gotten into the hands of one firm. It is entirely owned and controlled by a British concern, a British company, which controls the entire blackstrap-molasses industry not only in England but in the entire world. All the blackstrap molasses which is produced outside of the continental United States is controlled by that British company and by British capital. Not only that, the same British company and the same British capital own a very large interest in the alcohol industry of the United States.

As soon as they got control of the blackstrap-molasses industry, with molasses selling at the low price of 2½ to 3 or 5 cents a gallon, they absolutely drove out of business the plants in the West which made alcohol out of corn. Then they raised the price, so that the price of blackstrap molasses is now around 12 cents a gallon; and practically no alcohol is being manufactured from corn.

The plants in the Middle West are still in existence. It will take but very little money, very little outlay of cash, to put them on a running basis so that they can run at capacity. There has been a great deal of propaganda about this proposition, and it all comes from the blackstrap-molasses people and from the manufacturers of alcohol, which industry, as I have said, is very largely controlled by the same company which controls the blackstrap-molasses industry.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. STECK. In just a moment, when I finish this statement.

Alcohol can be made from corn selling at 90 cents a bushel just as cheaply, at practically the same rate as it can be made from blackstrap molasses at about 11 cents a gallon.

I yield to the Senator.

Mr. THOMAS of Oklahoma. Did the Senator say that blackstrap molasses is coming into competition with a product from the Senator's State?

Mr. STECK. It is; absolutely. Iowa is the greatest producer of corn in the United States.

Mr. THOMAS of Oklahoma. Do I understand that this competing product is coming from Cuba?

Mr. STECK. I refuse to yield further. I see the line the Senator is about to take, and I have but 10 minutes. I would very gladly enter into that discussion.

I am not pleading entirely for the farmers. It would not do any good here. The fact of the matter is that there is nothing in this bill that will do the farming States or the farmers of the country any good. There is practically nothing in the bill that will do the farmers of Iowa any good at all.

On this blackstrap molasses proposition, there is no question that if you talk to anyone who knows about it, if you inquire of the experts on the floor of the Senate, you will find that this is one of the most important items in the bill, and if we should put a duty on blackstrap molasses of 8 cents—and that is the amount it should be to properly bring about the use of corn—it would have two effects. It would do away with the absolute control of the alcohol market and alcohol industry in the United States by this one company, and it would give to the American farmers a market for their products, which they do not have now.

If we made the same amount of alcohol that is being made in the United States to-day, and used corn instead of blackstrap molasses, it would result in the use of approximately 50,000,000 bushels of corn a year, which is not now being used for this purpose.

That would open up an entirely new market for the corn raisers in the United States, and I do not need to tell the Members of the Senate that corn is the most important and the most valuable farm product raised in the United States. The total value of corn raised exceeds the total value of any other single farm product raised in the United States.

The farmers have not been getting the price for their corn which they should receive. There is not much of a surplus, but there is a surplus, and, as with every other product, the surplus determines the price of the corn.

If we had an additional market for from forty to fifty million bushels of corn, it would absolutely take care of the surplus, which determines the price of corn, and would stabilize the price of that most important farm product.

As I said a while ago, I do not believe this matter was given the serious consideration by the Senate it should have received when it was up for a vote a short time ago.

I know the propaganda that has been laid on the desks of Senators. I know the propaganda that has probably been poured into the ears of Senators. However, I am giving the absolute facts of the matter. The plants which can produce alcohol are now in existence. They are in existence in Indiana and Illinois and in the Corn Belt right where the corn is raised. The propagandists say it will take $15,000,000 to change over from the use of blackstrap molasses to the use of corn. Men who are interested in the plants in the United States, men who know what they are talking about, say that for $500,000 they can put their plants in condition to supply alcohol at their capacity. It is a small matter when we consider that there are five or six plants in the Middle West which can produce it. I do not blame the men who control the British company and who own the British company and control blackstrap molasses for fighting the proposition. I do not blame the alcohol institute for fighting it. I do not blame the British interests, who control a large proportion of the alcohol business in the United States, for fighting the proposal. It is one proposition, at least, which is for the benefit of the farmer and should be given serious consideration by the Senate.

I would like, as a part of my remarks, to have printed in the RECORD two editorials, one from the Chicago Tribune and one from the Cedar Rapids Gazette, relating to this matter. I have a great many others from papers published in the Middle West and from many Republican papers, urging the adoption of the amendment.

The VICE PRESIDENT. Without objection, the request of the Senator is granted.

The editorials are as follows:

[From the Chicago Daily Tribune, February 4, 1930]

THE TARIFF ON BLACKSTRAP

The farmers of the Corn Belt have sought in vain for a higher tariff on blackstrap molasses. Blackstrap comes in chiefly from Cuba. It is used in the manufacture of alcohol and therefore competes with corn in the manufacture of one of the chemicals most widely used in industry. If a higher duty were placed on blackstrap a slight increase in the cost of alcohol to American manufacturers might result, but at the same time the demand for corn would increase and higher prices for corn might be expected to follow as a matter of course.

The aim of the farmers since the severe deflation following the war has been to place agriculture on a parity with manufacturing industry in respect to tariff protection. For the most part, that aim has not been achieved. Admittedly, the application of the principle is not always easy. The prices of many of our agricultural products are fixed by the exportable surpluses sold in the world market. So far as corn is concerned, the problem is not so difficult. Almost all the corn grown in the United States is consumed in the United States and most of it is consumed on the farms on which it is grown. The price of corn is fixed largely by the demand of industrial consumers, and an increase in industrial demand should, therefore, be reflected in higher prices for cattle and hogs fattened on the farms as well as in the cash value of corn sold in the central markets.

The proposed tariff would have served the purposes of the Corn Belt as tariffs for 150 years have served the requirements of industry. It reflects no credit on the farmers' ability to make their demands effective, and even less credit upon the representatives of the farmers in Congress, that their movement got nowhere. The farmers and their Congressmen have devoted their thought and energy to various schemes smacking of communism for readjusting the balance between agriculture and other industry while neglecting to take advantage of a well-tried method proved feasible by years of experience.

[From the Cedar Rapids Evening Gazette and Republican, Wednesday, February 5, 1930]

BLACKSTRAP MOLASSES

Failure to induce either the House or the Senate to place a duty on blackstrap molasses high enough to force the use of corn sugar for distillation of industrial alcohol will be a disappointment to the Corn Belt. Advocates of the duty have met with determined resistance from the automobile, paint, and oil industries as well as distillers whose plants are situated in the East. It is difficult to see how any protected American industry could consistently combat the protective principle as

applied to an agricultural product. To say that other products would have increased in price with an increase in the cost of alcohol is not a valid argument since the effect of virtually every duty is to increase the cost of manufactured articles. A high duty on blackstrap would have worked some hardship on eastern distillers who would have been compelled to move their plants to the Corn Belt, but such readjustments could be justified on the ground that the convenience of the few must sometimes be sacrificed for the welfare of the many. Numerous tariff adjustments sacrifice the welfare of the many for the advantage of a few.

An adequate duty on blackstrap would have provided a new market for corn estimated at between thirty and fifty million bushels. Eighty-seven per cent of the annual corn crop is fed to stock and about 13 per cent is sold in the primary markets. A large part of this is absorbed by millers and the manufacturers of corn products. With a fresh market opened by utilization of corn for industrial alcohol the price problem for this agricultural product would have been solved.

Mr. WALSH of Massachusetts. Mr. President, I was very much impressed with what the Senator said about the farmers in Iowa getting no benefit from the tariff bill. Will the Senator indicate what groups of American citizens get any benefit from the tariff bill?

Mr. STECK. So far as the Senator from Iowa can state, the groups that will get any benefit from the tariff bill are those who manufacture the things which the people of Iowa have to buy.

Mr. WALSH of Massachusetts. Who are they?

Mr. STECK. Their names have been mentioned a great many times. I refer the Senator to the manufacturers of the different things the farmer uses, the different things he wears, and the things he eats which he has to buy.

Mr. WALSH of Massachusetts. I have been unable to find any group that will get any benefit whatever out of this tariff bill.

Mr. THOMAS of Oklahoma. Mr. President, before the amendment is voted on, I want to make another observation. The observation is that the United States Senate is the big league in politics. There are some fast players here. It is no place for a bench warmer or a mollycoddle. I make the further observation that the players want to be home-run hitters.

Mr. BROOKHART. Mr. President, when this matter was before the Senate on a previous occasion some objections were raised and I have drawn a substitute to meet those objections. I therefore offer the substitute. The rates are the same, but there are some provisions to meet objections of Senators.

The VICE PRESIDENT. The clerk will report the substitute offered by the Senator from Iowa [Mr. BROOKHART] for the amendment offered by the Senator from Iowa [Mr. STECK].

The LEGISLATIVE CLERK. The Senator from Iowa [Mr. BROOKHART] offers the following substitute:

On pages 121 and 122, strike out all of paragraph 502 and insert in lieu thereof the following:

"PAR. 502. Molasses and sugar sirups, not specially provided for, testing not above 48 per cent total sugars, 0.3 of 1 cent per gallon; testing above 48 per cent total sugars, 0.33 of 1 cent additional for each per cent of total sugars and fractions of a per cent in proportion. Molasses not imported to be commercially used for the extraction of sugar, or for human consumption, 0.03 of 1 cent per pound of total sugars; molasses imported to be commercially used for distilling purposes, 1.44 cents per pound of total sugars: *Provided*, That this 1.44-cent rate shall apply only to molasses imported to be so commercially used for distilling purposes and shall not apply to importations to be used for stock feeds: *And provided further*, That it shall be unlawful to import molasses for purposes other than to be used commercially for distilling purposes and then divert or use the same commercially for distilling purposes without paying said 1.44 cents per pound of total sugars; and upon conviction of any violation thereof any person or corporation shall be punished as provided by the laws against smuggling imported goods."

The VICE PRESIDENT. Under the rule the vote must be had first on the amendment proposed by the senior Senator from Iowa [Mr. STECK], because it is to the House text. The question is on the amendment of the Senator from Iowa [Mr. STECK], which will again be reported for the information of the Senate.

The legislative clerk again read Mr. STECK's amendment.

The VICE PRESIDENT. The question is on the amendment just read.

Mr. STECK. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

The VICE PRESIDENT. The question now is upon the amendment proposed by the junior Senator from Iowa [Mr. BROOKHART].

Mr. BROOKHART. Mr. President, the amendment as I have proposed it includes the rates which have already been adopted by the Senate over to the first semicolon on the second page, and here is the new part:

Molasses imported to be commercially used for distilling purposes, 1.44 cents per pound of total sugars: *Provided*, That this 1.44 cents rate shall apply only to molasses imported to be so commercially used for distilling purposes and shall not apply to importations to be used for stock feeds: *And provided further*, That it shall be unlawful to import molasses for purposes other than to be used commercially for distilling purposes and then divert or use the same commercially for distilling purposes without paying said 1.44 cents per pound of total sugars, and upon conviction of any violation thereof any person or corporation shall be punished as provided by the laws against smuggling imported goods.

The Senator from Tennessee [Mr. MCKELLAR] previously objected to the amendment because it was not clear that importations for feed would come under the low rate. The proviso was put in the amendment to meet that objection. The Senator from South Carolina [Mr. SMITH] objected because it might be imported for feed and then diverted for distilling purposes, so the penalty for diversion was provided. Both of those Senators have since told me that they are satisfied with the amendment in this form.

Here are the advantages to agriculture of the amendment as now presented. In the first place, it will protect the cane producers and the sugar producers. The new market that will be opened up will go to them first, and they will get the first benefit of it under this protection. After they have supplied the portion of the demand that can be supplied by their product, then it will go to corn. Perhaps the beet and cane producers of blackstrap will take about one-fourth of the new market and probably about three-fourths will go to corn. In that way it will benefit those producers.

In the next place it will benefit and cheapen feed, and I think that is one of the big benefits to the farmers of the country. I think the first benefit will be more to the sugar producers than the sugar schedule we have adopted because of free importations from the Philippines. But upon feed, the 213,000,000 gallons of blackstrap molasses that come in now for industrial alcohol will then come in for feed under the low rate, and it will therefore benefit the buyers of feed in nearly every State of the Union, because they all have dairy cattle and all buy this molasses feed more or less.

Objection was made that synthetic alcohol would be developed in place of this alcohol. It will protect the synthetic alcohol industry, if such is developed, and that is an argument in favor of it rather than against it.

With all these things added together, I think there is no item in the tariff bill that gives the farmers as much direct and effective benefit as this provision. We have put on plenty of tariffs for wheat and corn and for livestock products, but they are not effective unless we hold the debenture in the bill; but here is a rate that will be effective from the very first.

So far as I know there is no direct opposition to the amendment in this form. I would like to have the yeas and nays on my amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Iowa [Mr. BROOKHART]. The yeas and nays are demanded. Is the demand seconded?

The yeas and nays were not ordered.

The amendment was rejected.

The VICE PRESIDENT. Schedule 5 is still before the Senate and open to amendment.

Mr. COPELAND. Mr. President, I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 121, line 21, at the end of the paragraph, insert the following proviso:

Provided, That in the case of any of the foregoing testing by the polariscope 98 sugar degrees or above, in lieu of the rate calculated as above, the rate per pound shall be the sum of (1) the rate at 98 sugar degrees, calculated as above, plus (2) 0.625 of 1 cent.

Mr. BROUSSARD. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Louisiana will state it.

Mr. BROUSSARD. This paragraph has been disposed of. I wish to inquire whether or not the fact that there is no point of order made against the amendment would reopen the question of the rate adopted by the Senate.

The VICE PRESIDENT. The point of order can be made at any time against the provision, and the Chair is of the opinion that the amendment is out of order.

Mr. SWANSON. Then I make the point of order.

The VICE PRESIDENT. The Chair sustains the point of order.

Mr. COPELAND. Mr. President, I have no doubt the Chair is entirely right all the time or at least 99.44 per cent of the time. I think it is unfortunate that the amendment is out of order. I hope there is language enough in the paragraph that in conference the compensatory duty may be provided. Otherwise, of course, our sugar refiners in New York will go to Cuba and operate there instead of operating in my State.

Mr. SMOOT. Mr. President, I send to the desk the following amendment and ask for its adoption. It is for the purpose of taking the matter to conference as between two-tenths and three-tenths as provided in the amendment.

The VICE PRESIDENT. Let the amendment be reported so the Senate will know what it is.

The LEGISLATIVE CLERK. In paragraph 502, page 121, line 24, strike out "three-tenths" and insert "one-fourth" and in line 25, strike out "thirty-three one-hundredths" and insert "two hundred and seventy-five one-thousandths."

Mr. HARRISON. I hope that the amendment may be agreed to so the matter can go to conference, because this is the present law.

The VICE PRESIDENT. It can only be done by unanimous consent. Is there objection? The Chair hears none.

Mr. SWANSON. What does it do?

Mr. HARRISON. This is a proposition purely on sirup. Because of the rate on sugar adopted by the House, we increased the tariff on sirup over the present law by virtue of sugar content, and so forth. This amendment is merely to fix the duty on sirup at the rate provided in the present law, so that the item will be in conference, and the conferees will at least have something to work on. This is a reduction in the tariff, I will say to the Senator.

Mr. SWANSON. It is a reduction?

Mr. HARRISON. Yes.

Mr. SMOOT. It is a reduction.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Utah to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. KEAN. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from New Jersey will be stated.

The LEGISLATIVE CLERK. On page 122 it is proposed to strike out line 19 and insert in lieu thereof the following:

Lactose, and other saccharides, valued at more than $1 per pound, 50 per cent ad valorem; the foregoing when valued at less than $1 per pound, 25 per cent ad valorem.

Mr. KEAN. Mr. President, I do not desire to debate the amendment. The commodity referred to is sugar of milk, which is used in the food of infants. There is only one factory in the United States making it. It is a large factory, and makes a good deal of it. It is important that a fresh supply should be kept on hand by a large manufacturer. Therefore I have offered the amendment.

Mr. SWANSON. Mr. President, is not the amendment subject to a point of order? Has it not been previously voted upon.

The VICE PRESIDENT. The amendment is in order. The question is on agreeing to the amendment.

Mr. SMOOT. I shall not delay the Senate in discussing the amendment, but I sincerely hope the amendment may not be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Jersey.

The amendment was rejected.

The VICE PRESIDENT. Schedule 5 is still before the Senate and is open to amendment. If there be no further amendments to Schedule 5, Schedule 6 is next in order. If there be no amendments to Schedule 6, Schedule 7 is before the Senate.

Mr. WALSH of Montana. Mr. President, I have an amendment which I desire to offer to Schedule 7, which I think will be agreed to quite generally. My amendment comes in paragraph 714. I send it to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The LEGISLATIVE CLERK. On page 128, line 1, it is proposed to insert after the word "mules" the words "unless imported for immediate slaughter."

Mr. WALSH of Montana. Mr. President, the purpose of this amendment is to permit the introduction of horses for immediate slaughter into the United States.

Mr. SMOOT. I see no objection to the amendment, Mr. President.

Mr. WALSH of Montana. I perhaps should say that there are three or four establishments in the United States now slaughtering horses, the better parts of the carcasses being shipped and sold abroad in Europe. The remainder of the meat is cooked, mixed with cereal of some kind or other, packed in tin containers, and sold for dog meat. The industry is developing quite extensively. There are horses running at large on the plains of the northwestern Provinces of Canada, which are available for the further development of that industry in the United States.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana.

The amendment was agreed to.

Mr. WALSH of Montana subsequently said: Mr. President, I send to the desk a letter, addressed to me, and ask that it be incorporated in the RECORD in connection with my remarks on the amendment offered by me to paragraph 714, being explanatory of the occasion for that amendment.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

BUTTE, MONT., *March 1, 1930.*

Hon. T. J. WALSH,

United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: I am writing you at the request of Mr. Walter Hensen, of Butte, Mont., who is now operating a horse-packing plant in Butte, he being the general manager and principal owner of this plant.

Some few years back the forest department of the United States Government set about to relieve the forests of the wild horses that were grazing thereon, consuming the grass and other forage that would be more profitably used by cattle and sheep. As a result they rounded up a number of these wild, worthless horses, brought them down off the reserve, and after the people in the various localities had selected their own horses from those rounded up, the others were either killed or disposed of in some other manner.

About that time the Montana Horse Products Co. was organized with a view of slaughtering and packing these horses, with a result that we to-day have about 4 very prominent concerns engaged in this business—1 located in Portland, Oreg., owned by Schlesser Bros.; 1 in Rockford, Ill., operated by Chappel Bros.; and 1 at Butte, Mont., and there was another one in New York if it has not recently closed down. Of course, these horses do not sell for very high prices, as all of their product is sold at a very low price. The fleshy part of the animal, probably about 20 per cent of the carcass, is put into tierces or barrels of about 450 pounds capacity, packed and shipped to Europe, mainly Holland and Sweden. The casings are also shipped there. Of course, this must come into competition with a like quality that is packed in Europe. The price varies all the way from 4½ to between 9 and 10 cents per pound f. o. b. United States. However, there is a market over there for all that has been shipped or can be shipped in the near future. There is none of this now sold in the United States, and when shipped abroad the destination is plainly marked on the barrel, and it is all slaughtered, packed, and shipped under Federal supervision.

The balance of the meat, as near as it possibly can be, is trimmed off the carcass, cooked and canned with a little mixture of rice and barley in it, and sold in different parts of the United States for dog, cattle, and fox food, there being a very good demand for this part of the animal.

The bone and the balance of the meat which may remain thereon is put into high-pressure cookers and ground into a meal, which is sold to the millers and others who deal in chopped grain and mixed with this grain for chicken feed. There is also a great demand for this part of the animal.

The hides are sold wherever the market is best. The balance is worked into tankage and sold for fertilizer.

The Montana Horse Products Co., of Butte, during the last two years have slaughtered around forty or fifty thousand head of these horses per year. The plants at Rockland and Portland use about the same number. As I stated before, all the slaughtering of these horses is done under Federal inspection and strictly in accord with all of the regulations of the department. The number of this class of horses is now being decreased quite rapidly.

An investigation is being made, principally in three Provinces of Canada—British Columbia, Alberta, and Saskatchewan—and it is found that they also have large numbers of these horses running at large on their ranges, of which they are very anxious to rid themselves.

It is thought that should the tariff be removed on this class of horses, being particularly specified that they are shipped into the United States for immediate slaughter, that a great many of them could be driven or shipped into the United States to these various plants and utilized as these horses in the United States have been and are being utilized.

I can not see wherein it comes in competition with any products in this country or would be injurious in any way, as, as stated above, all the fleshy meat of the animal goes to Europe and the balance is worked up into different articles of animal food.

These American packers have already spent a great deal of money in installing up-to-date machinery in their plants, employ a great number of men and women, and would continue to do so a longer period if these horses could be brought in from Canada free of duty for slaughtering purposes.

I think the above will give you a brief outline of the operation of these horse-packing plants in the United States, and in behalf of the Montana Horse Packers Co. hope you will be successful in getting this little amendment approved by Congress.

Very truly yours,

MONTANA HORSE PACKERS CO.,
By JOHN W. HART.

The VICE PRESIDENT. The next amendment proposed by the Senator from Montana will be stated.

The LEGISLATIVE CLERK. On page 260, after line 11, it is proposed to insert:

Horses and mules imported for immediate slaughter.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. If there be no further amendment to Schedule 7——

Mr. HOWELL. I desire to offer an amendment to the pending schedule, which I will send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Nebraska will be stated.

The LEGISLATIVE CLERK. On page 126, line 8, after the word "than," it is proposed to strike out "7" and insert in lieu thereof "5½."

Mr. HOWELL. Mr. President——

Mr. SMOOT. I have taken this matter up with the department, and they say there is no objection to it, so I will accept the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. Schedule 7 is still before the Senate and is open to amendment.

Mr. BARKLEY. Mr. President, I offer an amendment, on page 134, line 22, to strike out the figure "5½" and to insert "3," and in the same line to strike out the figure "9½" and insert "5."

Mr. President, the effect of that amendment will be to reduce the rate fixed by the House on cherries, sulphured or in brine. I will say to the Senator that in the act of 1922 cherries, sulphured or in brine, were taxed at 2 cents a pound. The President's proclamation increased that rate to 3 cents a pound. That was a straight rate on all cherries, sulphured or in brine, whether they were stemmed or pitted or unstemmed and unpitted. The House raised the rate from 3 cents to 5½ cents on cherries with stems and pits and to 9½ cents on cherries without stems and pits.

Mr. President, the only cherry with which the imported cherry comes into competition is a cherry raised in California and to some extent in Oregon and Washington. The imported cherry covered by this item does not in any way compete with the ordinary American cherry. This is a cherry that is used for the making of maraschino and glacé cherries by the manufacturers of candy. The growers of this cherry on the Pacific coast do not produce a sufficient quantity to supply the American demand, and, as a result, all of the manufacturers east of the Rocky Mountains are required to import a certain small cherry from Italy, sulphured or in brine, in order that they may have maraschino cherries and be able to operate their candy factories. Even some of the plants on the Pacific coast import cherries, although in all probability 40 per cent of the cherries grown in California are the Royal Anne, which is the only species out of which cherries, sulphured or in brine, are made.

Many of the eastern manufacturers of candy and maraschino cherries have written to the producers in Oregon, Washington, and California asking whether they could supply to the eastern market these cherries sulphured or in brine. I have here copies of letters from packers on the Pacific coast, addressed to manufacturers in the East, stating that they are unable to supply to the eastern market any of these cherries. As a result, all of the manufacturers of candy east of the Rocky Mountains have been compelled to rely on the imported cherry, which is a small cherry which lends itself to the processes necessary in the manufacture of maraschino.

In view of the fact that if this tariff rate shall be raised from 3 cents to 9½ cents, which is an increase of over 200 per cent on the cherries without stems and pits, and from 3 cents to 5½ cents, which is an increase of almost 100 per cent on the cherries that still contain the pits and stems, the result will be an embargo on such cherries, and the American manufacturers of candy, the American producers of the maraschino type of cherry will be compelled either to use some substitute or go out of the business of manufacturing a particular type of candy which is used by the people of the United States.

As I said at the outset, the type of cherry covered by the amendment does not in any way compete with the ordinary cherry. Cherries are produced all over this country; there is a large production of cherries in my State, but there is not a cherry produced in Kentucky which can be used for the manufacture of maraschino cherries or for candy purposes. Practically all the cherries produced in the United States are used as fresh cherries or are canned and preserved; they are not used and they are not capable of being used, because they do not lend themselves to that sort of use, in the manufacture of candy and of the ordinary maraschino with which we are all familiar.

Most of the cherries produced on the Pacific coast are sold as fresh cherries and as canned cherries. The producers there do not even supply the local demand for the sulphured and brined type of cherry. Therefore, it seems to me that they are asking more than they are entitled to in seeking an increase from a straight rate of 3 cents a pound on these cherries, whether they are stemmed or unstemmed, to a tariff of 5½ cents on the unstemmed and unpitted, and 9½ cents on the stemmed and pitted cherries.

My amendment reduces the rate on the unstemmed and unpitted cherries to the present rate of 3 cents—it does not seek to reduce the rate to that of the present tariff law—and on the stemmed and pitted cherries to reduce the rate to 5 cents. I think that an increase from 3 cents to 5 cents a pound on the cherry with the pit and stem removed is all that the situation really justifies, and, as a matter of fact, in view of the conditions, there ought not to be any tariff whatever on this particular type of cherry. The American producers admit that they can not supply the demand and make no effort to do it. They do not ship sulphured or brined cherries east of the Rocky Mountains. Of course, they ship large quantities of fresh cherries, those of the larger type, which are not suitable for being sulphured and brined for maraschino purposes. The only cherry adapted to that use is the small, hard cherry produced very largely in Italy, without cultivation, on trees which grow wild, and therefore the cherry is hard and firm and easily susceptible of being sulphured or brined, a process necessary in order to make the ordinary maraschino cherry.

This amendment will in no way interfere with the sale of the Pacific coast cherry, fresh or canned, but it will enable the American manufacturers of candy all over the United States—and those manufacturers are scattered in almost every State in the eastern and middle portions of the Union—to continue to make a certain type of candy by the use of the maraschino cherry, which they import from Italy because they can not obtain it in the United States, and because they must have it in their business. I hope the amendment which I have offered, and which I think is a fair compromise between the rates in the present law and the exorbitant and unjustifiable rates in the House bill, will be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kentucky.

The amendment was rejected.

Mr. WALSH of Massachusetts. Mr. President, I call the attention of the Senator from Washington [Mr. JONES] to the amendment I am about to offer on page 128, in line 11, in the fish items. I move at that point in the bill to strike out the words "frozen halibut 5 cents per pound." The amendment will restore the duty of 2 cents per pound as in the bill originally. The rate in the Senate bill was 2 cents per pound, but the Senator from Washington offered an amendment, which was agreed to, raising the rate to 5 cents per pound, or a 150 per cent increase. I am now trying to restore the original rate recommended by the Senate committee.

Mr. JONES. Mr. President, I make the point of order that the amendment of the Senator from Massachusetts is not in order.

The VICE PRESIDENT. The amendment is not in order.

Mr. WALSH of Massachusetts. I had rather anticipated that the amendment would not be in order; but I wanted the RECORD to show what an outrageous increase that is, and to present a protest from the fisheries associations calling attention to the fact that the filleted frozen halibut has a duty of only 2½ cents, while the fresh frozen halibut has a duty in this bill of 5 cents.

I ask that these papers be inserted in the RECORD.

The VICE PRESIDENT. Without objection, the papers will be inserted in the RECORD.

The matter referred to is as follows:

BOSTON, MASS., *March 18, 1930.*

MY DEAR SENATOR: The Senate bill placed a duty of 2 cents per pound on fresh and frozen halibut, salmon, mackerel, and swordfish; 1 cent per pound on "other fish not specially provided for," which includes cod, haddock, hake, cusk, pollock, etc.; 2½ cents per pound on fresh and frozen fillets; 2½ cents per pound on finnan haddie; and 3 cents per pound on smoked fillets. These rates, based on unbiased data from the United States Tariff Commission, have been approved by the entire fishing industry as evidenced by the signatures below.

Frozen halibut: By amendment the rate on frozen halibut was changed from 2 cents per pound to 5 cents per pound, an increase of 150 per cent, which is unwarranted, as data obtainable from the United States Tariff Commission will show.

The wording of paragraph 717 as now amended unbalances the schedule by placing a 5-cent duty on whole fish (raw material), and making steaks and fillets (manufactured product) dutiable at a lower rate of 2½ cents per pound. Clearly the latter rate should be compensatory.

We request that halibut be placed at 2 cents per pound, where it was before, and that no other changes be made in the fish schedule.

MASSACHUSETTS FISHERIES' ASSOCIATION,
GLOUCESTER MASTER MARINER'S ASSOCIATION,
INDEPENDENT CAPTAIN'S ASSOCIATION,
MIDDLE ATLANTIC FISHERIES' ASSOCIATION,
ATLANTIC COAST FISHERIES' CORPORATION,
NEW BEDFORD FISHERMAN'S ASSOCIATION.

HALIBUT—PARAGRAPH 717

On page 128, line 11, strike out the words "frozen halibut, 5 cents per pound."

This will restore the duty to 2 cents per pound, as it was in the original bill.

PRODUCTION

The approximate world catch of halibut is 87,000,000 pounds annually, of which vessels of the United States take about 50,000,000 pounds annually, Canadian vessels 13,000,000 pounds annually, and the balance is divided by the European countries and the oriental countries.

Of the total United States catch about 90 per cent is taken off the Pacific coast and 10 per cent off the Atlantic coast. The United States catch is landed principally at Prince Rupert, British Columbia, Seattle, Wash., Ketchikan, and other Alaskan ports.

IMPORTS

In 1927 only about 8 per cent of the United States consumption of halibut was supplied by imports. Of the total consumption Canada supplies 90 per cent and all other countries 10 per cent. In 1929 the total production of frozen halibut in the United States was 14,083,230 pounds, while imports from Japan for the entire calendar year 1929 were only 416,066 pounds. The imports from Canada of frozen halibut were 819,684 pounds, making a grand total of 1,235,750 pounds.

EXPORTS

The United States exports annually about 1,000,000 pounds of halibut to Canada. This results from trade conditions during the year when United States fishermen sell their catches at Prince Rupert, British Columbia.

PRICES

The United States fishermen receive approximately 2 cents per pound more for their fish at Prince Rupert than do Canadian fishermen, which shows that the tariff of 2 cents per pound is effective. Halibut sells for approximately 15 cents per pound. According to the United States Tariff Commission report on halibut, United States vessels receive 13.2 cents per pound at Prince Rupert, while Canadian vessels receive only about 12.4 cents per pound. The price fluctuates according to supply and demand.

COST OF PRODUCTION

According to the United States Tariff Commission cost investigation made under the flexible provisions of the tariff act, the difference in the cost of production on fresh halibut is only 0.8 cent per pound and the difference in the cost of production on frozen halibut is 0.5 cent per pound. The total costs on frozen halibut in the United States were 17.7 cents per pound and in Canada were 17.1 cents per pound. These costs include fishing costs, freezing, storing, and boxing, and transportation to the principal competing market—Chicago.

REASONS FOR 2-CENT DUTY ON FRESH AND FROZEN HALIBUT

1. The differences in the costs of production show that a duty of 0.8 cent per pound would equalize costs, whereas the duty of 2 cents per pound is a protective duty. A duty of 5 cents per pound on frozen halibut is entirely unreasonable and not justified.

2. The United States fishermen have port privileges in Prince Rupert, and if tariff of 5 cents per pound is levied Canada might close the port to our fishing vessels.

3. The United States and Canada have seen fit to establish an international joint commission to investigate the depletion in the halibut fisheries. According to this organization, the catch per unit of fishing gear was nearly 300 pounds in 1906, but declined to 50 pounds in 1926. Expressed in another way, it now requires six units of fishing gear to catch as many fish as one unit caught in 1906. The decline has gone on at an even rate and shows no tendency to slacken. Furthermore, there is a decrease in the average size of the fish landed.

4. Japanese situation: The Senator from Washington stated that imports in the last three months of 1929 from Japan were over 800,000 pounds. This statement is entirely misleading, as shown by the fact that official statistics compiled by the Tariff Commission and checked by the Department of Commerce show that the total quantity imported during the entire year was only 416,000 pounds, or a negligible quantity. Furthermore, the Senator also said that imports from Japan were increasing very rapidly. This statement is also misleading, because imports are negligible and during the present year January 1–February 25 imports into the Puget Sound customs district from Japan were only 3,006 pounds.

Certain dealers in the United States have handled Japanese halibut and lost money on it because it is inferior to the halibut taken by our fishermen in Alaska. The able Senator from Washington, Mr. JONES, also says that if only Canada and the United States were interested, there would be no trouble, and since imports from Japan are so small there is no cause at this time to worry about Japanese competition.

UNITED STATES TARIFF COMMISSION,
Washington, March 4, 1930.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: Receipt is acknowledged of your letter of February 28, concerning statistics on frozen halibut.

For the year 1929 the United States trade in frozen halibut was as follows:

		Pounds
Production		14,083,230
Imports:		
From Japan	pounds	416,066
From Canada (estimated)	do	819,684
Total		1,235,750
Exports		(1)
Consumption (approximate)		15,318,980

The estimated statistics given above with respect to imports from Canada are the combined shipments from Vancouver and Prince Rupert, as reported to us by the United States consuls at the two ports.

Immediately upon receipt of your letter the commission telegraphed to a number of customs and consular offices for statistics covering the period January 1 to date. According to reports from Vancouver and Prince Rupert the shipments from Canada were 34,050 pounds. As soon as complete statistics of imports from Japan have been received the data will be compiled and forwarded to you.

Sincerely yours,

E. B. BROSSARD, *Chairman.*

CHICAGO, *March 4, 1930.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SENATOR: Wish to direct your attention to an amendment to the tariff bill now under discussion in the Senate offered by Senator JONES, of Washington, establishing a differential on frozen halibut originating in Japan and the Orient of 5 cents per pound as against the existing duty of 2 cents per pound on Canadian halibut.

The amendment of Senator JONES is designed to correct a very distressing situation which is completely demoralizing the halibut market. The oriental countries are not subject to the regulations for the conservation of halibut established by our Government and with cheap labor are enabled to move enormous quantities of frozen halibut into our markets, so that the American fishermen are confronted with the problem of either putting their fishing boats out of commission or disposing of their product at an immense loss, in either case the American fishermen and seamen suffers and the public is flooded with an inferior frozen product.

Your support to Mr. JONES's amendment is therefore earnestly solicited and we would be glad to have you act promptly as it is our understanding that the tariff bill will, in a few days, be submitted to your honorable Senate for adoption and passage.

Very truly yours,

BOOTH FISHERIES CO.,
W. G. WEIL, *Secretary.*

Mr. SMOOT. Mr. President, I desire the attention of the Senator from California [Mr. JOHNSON].

On page 134, line 21, the words "stems and" are used, and in line 22 the words "stems or." I should like the Senator to consent that those words go out.

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[1] Negligible.

Mr. JOHNSON. Mr. President, as I understand what is suggested, it would leave the particular article generic in character, without any description?

Mr. SMOOT. Absolutely.

Mr. JOHNSON. I have no objection to that.

Mr. SMOOT. Not only that, but sometimes the stems are rubbed off.

Mr. JOHNSON. Yes.

The VICE PRESIDENT. Will the Senator from Utah again state the amendment, so that the clerk will get it?

Mr. SMOOT. I move that on page 134, line 21, the words "stems and," and in line 22 the words "stems or," be stricken from the bill.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. GOLDSBOROUGH. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 135, lines 9 and 10, strike out "5½ cents per pound and 40 per cent ad valorem," and in lieu thereof insert "9½ cents per pound and 40 per cent ad valorem."

Mr. SMOOT. Mr. President, that amendment is simply to conform to the action of the Senate on cherries, sulphured, or in brine, on page 135, line 6; with pits removed, 9½ cents per pound. This 5½ cents per pound is changed to conform to the 9½ cents per pound on line 16. I have spoken to the Senator from California about it.

Mr. BARKLEY. Mr. President, if the amendment which I offered a moment ago had been agreed to, this amendment would not be necessary; would it?

Mr. SMOOT. No; not if it had been agreed to, but it was not agreed to. The Senator can plainly see that to have 9½ cents on sulphured cherries at one place and 5½ cents at this other place is an inconsistency.

Mr. BARKLEY. What effect will this have on the use of this product in the United States?

Mr. SMOOT. None whatever.

Mr. BARKLEY. Does the Senator mean that increasing the rate on these cherries from 5½ to 9½ cents will not in any way restrict the use of them?

Mr. SMOOT. It is just as a compensation; that is all.

Mr. BARKLEY. I understand that it is a compensation.

Mr. SMOOT. The Senator would not want these cherries to have no compensatory duty when the Senate has already acted upon 5½ and 9½ cents for the sulphured cherries, would he?

Mr. BARKLEY. Of course these maraschino cherries are produced by the use of the sulphured, or in brine, cherries, of which I was speaking a while ago.

Mr. SMOOT. That is true.

Mr. BARKLEY. What I regard as the vicious feature of this increase on the sulphured, or in brine, cherries is that it offers an excuse, or I might even go so far as to say a reason, for increasing tariff on the maraschino itself——

Mr. SMOOT. Not only a reason, but it is the proper thing to do.

Mr. BARKLEY. The combined result will be practically to make the American candy makers east of the Rocky Mountains either abandon the use of this cherry, which I think would injure even the Pacific coast cherry, or use a substitute of some kind for what they are now using.

Mr. SMOOT. The Senator from Kentucky need not weep over what the candy people sell their goods for when they use this kind of a cherry. None of them are sold for less than a dollar a pound, a dollar and a half, or $2.

The PRESIDING OFFICER (Mr. FESS in the chair). The question is on agreeing to the amendment offered by the Senator from Maryland.

The amendment was agreed to.

Mr. JONES. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 141, line 18, after the word "spinach," strike out "1 cent" and insert "3 cents."

Mr. JONES. Mr. President, this is purely an agricultural proposition.

I received a telegram on this subject from the Charles H. Lilly Co., of my State. This company is growing a large amount of seeds of various kinds, including flower seeds and vegetable seeds and spinach seeds, in my State. This telegram reads as follows:

> If farmers of State of Washington are to compete with European growers, it is very imperative have duty on spinach seed raised from present duty of 1 cent to 3 cents per pound. Please advise—
>
> And so forth.

I find that about 30 per cent of the spinach consumed in this country is raised in gardens by people for their own use very largely—so the Summary of Tariff Information states. The commercial crop is produced in New York, California, and Washington. This gives the figures only up to 1922, when we produced some 314,000 pounds of seed in the country. The imports come from Holland and England, and are considerably in excess of the domestic commercial production.

I find that the increase of imports of this seed has been steady since 1919, when we produced three hundred and sixty-seven thousand and odd pounds of it. There was a steady increase until 1928, when we imported nearly 4,000,000 pounds. Now, it seems to me that our people, with proper encouragement, ought to produce that seed, or very largely that amount, in this country; so I ask for the adoption of this amendment.

Mr. SWANSON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Virginia?

Mr. JONES. I yield to the Senator.

Mr. SWANSON. Take the people who raise all the spinach down on the Atlantic coast. Where do they get their seed from? It is a great product in all the eastern part of the country.

Mr. JONES. As I say, the importations of seed have steadily increased, until in 1928 they were nearly 3,000,000 pounds.

Mr. SWANSON. Will not this be a heavy tax on every farmer and gardener in all the eastern part of this country, when no seed is raised here, and they import their seed?

Mr. JONES. No; not at all. This rate is equivalent to 30 per cent ad valorem. The present rate of 1 cent is equivalent to 10 per cent ad valorem. This will encourage the production and development of this industry in this country. We ought to supply these needs.

Mr. SWANSON. Why was not this question brought up earlier? I do not know to what extent this might affect the people who are great truck raisers all through Virginia and North Carolina and South Carolina, and on up into Maine.

Mr. JONES. I could not say why it was not brought up sooner. I got this telegram just a short while ago from this company.

Mr. SWANSON. Is that telegram all the information the Senator has?

Mr. JONES. No; I read from the Tariff Summary, showing the imports, the production in this country, the ad valorem value, and so forth.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. JONES. I yield to the Senator.

Mr. NORRIS. I should like to ask the Senator from Washington a question. Without even intimating that the rate he suggests is not right—for I confess I do not know anything about it—does he think it is right for Congress now, in this bill, to put in specifically a rate suggested by one producer who is, of course, directly interested in it? If we were trying a lawsuit, would we let the interested party name the rate?

It may be that it is right; but, knowing human nature as we all do, does the Senator think now because he has a telegram from a man who says he wants this rate increased to 3 cents that we ought to accept that, and put it in just as he wants it?

Mr. JONES. No; not simply because he asks it. The reason why I presented it was that I found that the value makes the rate about 30 per cent ad valorem equivalent; and I thought that was not very high.

Mr. NORRIS. It is an increase of 200 per cent.

Mr. JONES. It is an increase, of course, over the present rate, which is equivalent to 10 per cent ad valorem. This makes an equivalent of 30 per cent ad valorem. This is all the information that I had with reference to it. The reason why I offered the amendment was because of the low ad valorem rate that this 3 cents a pound makes.

In view of the suggestion of the Senator from Nebraska, I am perfectly willing to make the figure 2 cents a pound instead of 3. That makes 20 per cent ad valorem, and it does not seem to me that that is high. When we produce spinach in this country, I can see no reason why we should not also produce very largely the amount of seed that is necessary. We can do it, and with the proper encouragement I feel satisfied that it will be done; so I will change my amendment to 2 cents a pound instead of 3.

Mr. SWANSON. Mr. President, I hope this matter will not be voted on. I do not know to what extent this would affect the gardening of the section around Norfolk and the trucking section of Virginia and Maryland and all along the eastern coast, from Maine to Florida. The amendment is brought in here the day before the consideration of the bill is concluded, with no in-

vestigation. We do not know to what extent this proposal might affect gardening.

I remember that some months ago, when requests were made for decreases in rates, the Senator from Michigan thought everybody ought to have a hearing and an opportunity to be heard, which they did; but it is proposed to put this here before I can even telegraph to the people of Norfolk as to how it will affect their interests. I can not even get a telegram to the great trucking interests of Norfolk, that raise as much spinach as anybody, as to where they buy their seed, and I must vote on it without any information whatever.

Mr. JONES. Mr. President, may I interrupt the Senator? Many amendments have been offered here that we did not know anything about until they were offered.

Mr. SWANSON. Yes; but they did not come in 24 hours before the bill is passed.

Mr. JONES. We have been adopting them all day to-day.

Mr. SMOOT. Mr. President, I want to say to the Senator that I doubt very much whether there is much seed raised outside of the States of New York and California and Washington. I think they raise perhaps 98 per cent of all the seed raised in the United States.

Mr. COPELAND. Mr. President, I assume this is on a par with what was done in the Senate with alfalfa, alsike clover, and sweet clover. I do not know which particular farmers ought to be listened to. The farmers in my State, represented by the American Agriculturist, one of the great farm journals, the Farm Seed Association, and the Orange County League Federation Exchange in Ithaca, are all in opposition to these rates on seeds. We have a great deal of sour land in New York, and alsike clover is very essential to the development of those lands. The rate of the 1922 law on alsike clover was 4 cents. The House made it 5 cents, and it was put up here to 5 cents in the same way that the rate on clover was raised.

I have no question that the same thing is true about spinach seed. What are we going to accomplish to help the American farmer by increasing the cost of the seeds, many of which are produced abroad or in Canada or somewhere else, under peculiar conditions, and because of long-established activities there, and have permitted us to build up our farm lands and improve our gardens by giving us various seeds?

Pretty soon I am going to ask in the name of the farmers of my State that there be a reduction in the rate on alfalfa and alsike-clover and sweet-clover seed.

Mr. JONES. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. JONES. I see in the summary that it is stated that the seeds produced in this country are substantially the same as the seeds produced in England.

Mr. COPELAND. All right. The Senator also said that New York is a great producer of spinach.

It is one thing to have a rotation of crops in a garden where you are raising truck stuff. You raise one crop after the other. Those farmers will not survive if they must let the first crop go to seed. It is only by the raising of successive crops of the same thing that they can make any money. Where they have cheap land and can let part of the crop go to seed, all right, but that can not be done in the cases to which I refer.

This amendment simply imposes a burden upon the truck farmers around the great cities of this country, not only around New York, but around Philadelphia and around Chicago, wherever there is a city with truck gardening in the suburbs.

Mr. President, the condition of the American farmer would not be improved 30 cents by this, but a burden would be put upon the poor little truck farmers who make their living off of two or three acres. That would be the effect.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was rejected.

The PRESIDING OFFICER. The Senator from New Jersey offers an amendment, which the clerk will report.

The LEGISLATIVE CLERK. On page 134, line 12, after the word "brine," to insert the following: "and frozen blueberries."

Mr. KEAN obtained the floor.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Maine?

Mr. KEAN. I yield.

Mr. HALE. Mr. President, I was going to ask if this amendment was in order. When the bill came up as in Committee of the Whole all frozen blueberries were given an ad valorem duty of 35 per cent. This is simply taking out from that provision frozen blueberries.

The PRESIDING OFFICER. This amendment is in order.

Mr. KEAN. Mr. President, in the city of Newark for many years there has existed a company known as Mrs. Wagner's Home Made Pie. This company has gone through several consolidations, and Mrs. Wagner has disappeared and been lost in the shuffle. It is now known as the Universal Pie Co., and is a strong advocate of this amendment and has telegraphed me in regard to the matter.

Mr. BARKLEY. Mr. President, a matter of this sort should not be taken up in the absence of the Senator from New York [Mr. WAGNER]. [Laughter.]

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. GOLDSBOROUGH. Mr. President, I offer the following amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 145, line 16, to strike out "8 cents per pound" and to insert in lieu thereof "10 cents per pound."

Mr. GOLDSBOROUGH. Mr. President, I have just a word to say about this amendment. The tariff as agreed to on mustard was 8 cents a pound. The tariff originally reported by the Senate was 1 cent a pound, and a corresponding rate on mustard of 8 cents, and as finally amended, 2 cents a pound on mustard seed and 8 cents a pound on mustard. In order to give a parity to mustard it is necessary that the rate should be made 10 cents a pound, so this amendment simply seeks to accomplish that object.

Mr. SMOOT. Mr. President, that is absolutely correct. The rate should be 10 cents a pound. It is simply a compensatory duty.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. COPELAND. Mr. President, I send forward an amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 144, line 2, paragraph 773, after the word "rolls," strike out the words "soup tablets or cubes, and other soup preparations, pastes, balls," and in line 7, after the word "pound," strike out the period and insert a semicolon and the following: "vegetable extract, soup flavoring extract, and other soup preparations, in cubes, tablets, balls, paste, liquid, or similar form, 15 cents per pound."

Mr. COPELAND. Mr. President, these articles here enumerated are made of wheat gluten. About 300,000 bushels of American-grown wheat is used in making these articles. I may say to those who belong to the farm bloc that I discussed this matter with the farm leaders here, and they expressed their approval of this proposed amendment. I hope there will be no objection to it.

Mr. SMOOT. Mr. President, I simply want to say to the Senate that if the amendment is agreed to it will amount to an equivalent ad valorem of a little over 90 per cent.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. COPELAND. I send forward another amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 140, line 22, paragraph 761, after the word "Alfalfa," change the numeral "5" to "4"; after the word "clover" change the numeral from "5" to "2"; and in line 25, after the word "clover," change "3" to "2."

The PRESIDING OFFICER. The Chair will have to rule that that amendment is not in order.

Mr. COPELAND. Mr. President, in view of the fact that the real honest-to-goodness dirt farmers of the eighth agricultural State of the Union have asked that these rates be reduced, I ask unanimous consent that we may consider the amendment.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent to consider this amendment. Is there objection?

Mr. THOMAS of Idaho. Mr. President, I am very sorry, but, inasmuch as these rates are the rates sponsored by every farm organization in the United States, I will have to object.

Mr. COPELAND. Mr. President, they may be indorsed by every farm organization in the United States known to the Senator from Idaho, but I have here communications from the Dairymen's League and other organizations of my State, made up of farmers just as good and just as horny-handed, industrious, and able as those in the other farm organizations. So,

when the Senator says these rates were indorsed by every farm organization in the United States, he means every farm organization he knows about, because I know of farm organizations and farm papers in opposition to these rates.

Therefore, having been given that information, I know the Senator from Idaho will be glad to withdraw his objection.

Mr. THOMAS of Idaho. Mr. President, my statement still stands.

Mr. COPELAND. Mr. President, I ask unanimous consent to send forward for the record statements of some farm organizations which are in opposition to these rates in spite of what the Senator from Idaho has said.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

SYRACUSE, N. Y., *December 19, 1929.*

Senator ROYAL COPELAND,
Washington, D. C.:

Rumors received here to effect new tariff bill on seed about to be passed advancing duty. Such a bill would be heavy penalty on eastern farmers who require Canadian-grown seeds to maintain their farming operations. This is of especial importance to the dairy farmers of New York State. Thirty-four thousand members of this organization will appreciate your best efforts in holding up passage of such a bill until the farmers have had an opportunity to give their voice. Would you kindly wire collect whether or not possible to pass tariff legislation without a hearing.

COOPERATIVE GRAIN LEAGUE FEDERATION (INC.).

NEW YORK, N. Y., *February 21, 1930.*

Senator ROYAL S. COPELAND,
Senate Office Building:

Cooperative Grain League Federation Exchange protests Senate increase in alsike and sweet clover tariffs as ones which New York farmers will largely pay.

M. C. BURRITT.

Senator R. S. COPELAND,
Washington, D. C.

DEAR SENATOR COPELAND: Thanks for your cooperation on the clover-seed and alfalfa items. These will penalize eastern farmers severely if enacted and to no good purpose.

Another similar item which will hit eastern dairymen hard and to no purpose is the proposed increase in the tariff on jute and burlap. G. L. F. alone uses 10,000,000 bags in a year. We would be very glad if you could head this off.

Another item which I talked to you about when in Washington once this winter is the amendment (CONNALLY, I think) to put a 6-cent tariff on cottonseed, linseed, as well as soybean, meal. This is almost prohibitive and out of all reason. Eastern dairymen will pay the bill.

If you can prevent the laying of these additional tariffs you will save eastern dairymen many hundreds of thousands of dollars. Please call on me if I can give you any information. House tariff hearings contain all our data.

Sincerely,

M. C. BURRITT.

AMERICAN AGRICULTURIST,
New York, February 21, 1930.

Hon. ROYAL S. COPELAND,
Senate Chamber, Washington, D. C.

MY DEAR SENATOR COPELAND: In the name of 160,000 farm families subscribing to American Agriculturist, and, in fact, speaking for nearly all of the farmers whom you represent, may I enter an emphatic protest to the Senate's proposition to raise the duty on alsike clover from 5 to 8 cents a pound?

As a matter of fact, there probably should be no duty on alsike at all, certainly not more than a nominal one. I note that the House of Representatives raised it in the present bill from 4 to 5 cents. Even a 4-cent duty was too high.

As you may know, the farmers in the United States—particularly in the East—sow great quantities of alsike. It is a legume which will grow on sour soil, where other clover and alfalfa will not grow. I understand that at least half of our alsike-clover seed supply is imported from Canada. The importation, unlike that of red clover, is of very high quality. As you, of course, know, grass seed is one of the big items in the farmers' expenses.

The tariff on red clover is not so important to us because much of the red clover that is imported is of low quality and not fitted to do well on our northern soils. But this alsike proposition, if carried, will be a real blow.

Will you not lend your aid to help protect your farm constituents in this instance?

With kind personal regards, I am, sincerely yours,

E. R. EASTMAN, *Editor.*

FARM SEED ASSOCIATION OF NORTH AMERICA,
Chicago, March 12, 1930.

Hon. ROYAL S. COPELAND,
United States Senate, Washington, D. C.

DEAR MR. COPELAND: This association, by formal procedure, has made known officially its position regarding alsike clover seed (Schedule 7, par. 761), viz, maintenance of the present rate of import duty of 4 cents per pound. The leading farm organizations of the United States—the American Farm Bureau Federation and the National Grange—have taken positions similar to our own. In spite of these facts, however, the original House bill (Hawley bill) advocated 5 cents per pound for alsike. Recently an amendment was adopted in the Senate increasing alsike to 8 cents per pound.

That such increases are unneeded and undesired by the great majority of farmers has been shown by protests already filed. For, after all, the farmer consumer is the one who would be affected by any increase in rates on this particular seed.

The United States has not produced, nor is it now producing, nearly enough alsike seed to meet domestic consumers' demands. And it is not because of cheaper labor and production costs elsewhere. It is merely a question of natural limitation of production in this country.

With the enactment of the tariff act of 1922 and the subsequent good prices for alsike seed one would have expected to witness an increased production of this commodity. Quite to the contrary, however, alsike-seed production has moved along without any appreciable change. As a matter of fact, the production in four of the seven years since 1922 has been below the average for the entire 7-year period. At the same time the consumer requirements during this period on three occasions have been above the average.

It is not a question of increasing present rates in order to induce greater production. There is always a demand for domestic alsike seed, but there will continue to be importations in order to provide sufficient amounts to meet the needs of the farmers of the United States. Therefore, any increase in duty on alsike seed—since there must be importations annually—will have to be met by the thousands of farmers who are obliged to purchase imported seed in order to plant their acres. Why should this farmer-consumer, who by many thousands outnumbers the producer of alsike seed, be forced to pay more for his seed? Just because a sufficient amount of alsike can not be provided by domestic producers, why should the vast majority of consumers be penalized, particularly when the producers themselves will gain nothing by it?

We appreciate just how busy you are there in Washington at this time and we do not want to add to your burdens. However, we do feel that you will recognize the merits underlying this attitude toward alsike clover seed, and we earnestly hope you will lend your support toward maintaining it at its present rate of 4 cents per pound.

Very sincerely yours,

GEORGE O. SMITH,
Executive Secretary.

The PRESIDING OFFICER. Has the Senator from New York another amendment?

Mr. COPELAND. I send another amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The LEGISLATIVE CLERK. On page 137, paragraph 748½, to strike out this paragraph and place avocados on the free list.

The PRESIDING OFFICER. The Chair will have to declare this amendment out of order, as it seeks to strike a paragraph which was inserted as in Committee of the Whole.

Mr. COPELAND. Mr. President, I want to be sure that everything the people may eat to sustain their lives, like halibut, and other things, are given as high a rate as possible. Let us not miss anything while we are about it.

We have gone on and on and on putting up the prices of the necessities of life, on the assumption that the action was going to help the farmer, but when an amendment is offered by which the farmer would really be helped by a rate upon something made in tropical countries, so that his products may be sold, then the farm bloc's vote is in opposition.

Mr. SHORTRIDGE. Mr. President, I have an amendment to suggest, which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 136, paragraph 742, line 4, strike out all after the word "packages" down to and including the word "imported," line 5, and insert the following:

Five cents per pound, but not less than 45 per cent ad valorem.

Mr. SHORTRIDGE. Mr. President, if Senators will turn to paragraph 742, page 136, they will there find the following:

Grapes in bulk, crates, barrels, or other packages, 25 cents per cubic foot of such bulk or the capacity of the packages, according as imported.

That is the form in which the bill came to us from the House.

The Senate Committee on Finance amended the bill by adding the words which Senators will see printed in italics, which words are:

Grapes, in their natural state or sulphured, 5 cents per pound, including the weight of containers and packing.

When this matter was before the Senate as in Committee of the Whole the Senators in their wisdom disagreed with the Finance Committee, so that the bill remains, so far as I now call attention to it, in the form in which it came from the House.

I think this amendment meets the objection of Senators very kindly disposed toward agriculture and horticulture and all its branches. It is proposed to strike out the words "25 cents per cubic foot of such bulk or the capacity of the packages according as imported" and substitute therefor the words which have been read, namely, "5 cents per pound, but not less than 45 per cent ad valorem."

This provision refers to the high-priced Christmas grapes which are imported into the United States very extensively, and the rates are by comparison less than upon any other kindred agricultural items in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. WALSH of Massachusetts. Mr. President, before the schedule is closed I want to insert in the RECORD a memorandum in respect to frozen blueberries, showing the great increase in the price of this poular food product to the American public. The increase is only about 175 per cent.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

FROZEN BLUEBERRIES—PARAGRAPH 736, H. R. 2667

RATES OF DUTY

Act of 1922, 1¼ cents per pound as berries in natural state.

House bill, 35 per cent ad valorem as prepared or preserved.

Senate Finance bill, 1¼ cents per pound as berries, frozen, without sugar added.

On March 12 the Senate, upon motion of Senator HALE and without any consideration of the real facts, rejected the Finance Committee rate of 1¼ cents and restored the House rate of 35 per cent ad valorem (see RECORD, p. 5095). This effects an increase over the existing rate of 2 cents per pound, an increase of 175 per cent.

Senator HALE'S reason for this increased duty was that frozen blueberries imported principally from Canada and Newfoundland compete with the Maine canned berry and this increased duty was necessary for the protection of that industry.

As hereafter shown, imported frozen berries do not compete with domestic canned berries and there is no warrant for any increased duty.

BLUEBERRIES SHOULD NOT BE CONSIDERED AS FARM PRODUCTS

Berries canned by the Maine canners, as well as the imported blueberries, are gathered from wild and uncultivated lands. No fertilization is required, and the only operation in the nature of farming required is setting fire to these lands every three years to burn off the brush. Blueberries are cultivated to some extent in the United States, but the entire production of such berries is sold in local markets for ultimate consumption by the housewife.

Imported blueberries are sold exclusively to commercial pie bakers and therefore do not compete at all with the cultivated domestic berry.

Imported blueberries come into the domestic markets about six weeks later than the Maine crop and at a time when the Maine crop has been contracted for. Imported blueberries are larger than the Maine berries, of better flavor, and by the reason of the care with which they are gathered are much cleaner and contain no other berries than blueberries. As stated by the Summary of Tariff Information, Schedule 7, page 1238:

"Blueberries from Canada ordinarily command a premium in American markets. This is due partly to the better condition in which they reach the market, but chiefly to the standardization of the fruit itself. Domestic shipments, except cultivated berries, are often mixed with huckleberries, which are less desirable, while the Canadian product exported to the United States consists of blueberries alone."

PRICES

As stated by the Summary of Tariff Information, page 1240, Maine blueberries in No. 10 tins sold during 1927 at prices ranging from $10 to $12.50 per dozen cans, and in 1928 at prices from $10.50 to $11.50 per dozen cans; in 1929, the domestic price of blueberries No. 10 cans increased to $13 per dozen cans and to-day such berries are selling at $14 per dozen cans.

This increased price received for domestic berries negatives the idea that they are suffering any competition from imported blueberries.

COST OF PRODUCTION

It is unfair to make a comparison of cost of production of canned berries against frozen berries, due to the fact that the canned berries contain sugar and undergo various manufacturing processes which are not expended upon the frozen product. However, even if such a comparison were made, it will be found that there is no warrant for any increase in the existing duty.

The cost of American canned blueberries, including selling expense, is $0.10575 per pound as against cost, duty paid, of imported, frozen blueberries of $0.10815. Based upon a comparison of costs of production, there is no warrant for any duty whatever (see brief filed before Senate Finance Committee, Schedule 7, p. 288).

PROFIT

It is stated that the blueberry lands in the State of Maine are worth $2,000,000 (see brief of Maine canners before the House Committee on Ways and Means, hearings, Schedule 7, p. 4393). Owners of these lands received a net profit in 1927 of $481,236 or approximately 25 per cent of the value of the land after the payment of all expenses. This rate of return upon uncultivated land requiring no farming processes, hardly warrants any increased tariff protection.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the paragraph 736 as reported by the Finance Committee should be retained in the existing tariff bill.

Mr. WALSH of Massachusetts. I might say in this connection that frozen blueberries do not compete with fresh blueberries at all, but come into this country from Canada after the blueberry season is all over, and help to give the poor people in the large cities in the months of September and October the benefit of blueberry pie.

The PRESIDING OFFICER. The clerk will report the amendment sent to the desk by the Senator from Maryland.

The LEGISLATIVE CLERK. On page 128, at the end of paragraph 717, add the following subdivision:

PAR. 717. (d) Fish, live, of the genus Carassius, commonly known as goldfish, 6 cents each, but not less than 66⅔ per cent ad valorem.

Mr. GOLDSBOROUGH. Mr. President, if I may have the indulgence of the Senate for about five minutes, I think I can convince Senators of the justice of the amendment.

Goldfishes are now imported free of customs duty under paragraph 1575, which reads as follows:

Fish imported to be used for purposes other than human consumption.

The production of goldfishes in the United States has grown to be an industry of considerable magnitude. The domestic industry's only competitor is Japan.

The principal competition is in fancy varieties. In a report furnished me by the United States Tariff Commission on the goldfish industry I find that the imports for 1929 were 336,000. According to domestic producers, the Japanese importers offered their fancy commercial stock for $19.41 per hundred, whereas the domestic price for similar stock is $31.17 per hundred.

The demand for goldfishes in the United States is increasing, particularly for the fancy varieties. I am further advised by the Tariff Commission that there are many species of goldfishes, but all of them belong to the genus Carassius, and the commission recommends that, since some goldfishes are not gold in color, that the genus be mentioned in any tariff provision to avoid misinterpretation of the intent of Congress. None of the food fishes used in the United States belong to the genus Carassius.

There are probably 40 producers of goldfishes of sufficient size to be recognized outside of local distribution, and their hatcheries are located in Maryland, Pennsylvania, Ohio, Kentucky, New Jersey, Iowa, Indiana, Kansas, Missouri, and the Pacific coast. The amount invested in the domestic hatcheries approaches $1,000,000, and the number of people employed is in the neighborhood of 500.

Increasing interest in home decoration, the greater attention given, by educational institutes to the study of living things, continual progress by American producers to produce a better stock, and improved express shipping service have built up a large increase in this business within recent years.

Goldfishes are used for decoration, for pets, for scientific study by schools and drug manufacturers, and in rapidly increasing quantity for game-fish bait. They are sold by stores of all kinds in all parts of the United States and Canada, and satisfactory shipments have recently been made to England and Europe, indicating the possibility of export business across the sea in the future. The producers in the United States have built up this business on their own initiative. They are prepared to satisfy the demand, and have large investments, which would be seriously injured if unrestricted importations continue. Hatcheries can be started with comparatively little capital and thus operated to keep down selling prices to reasonable levels.

It has been found impossible to secure any data in regard to production costs in Japan, but we do know that most of the hatcheries are operated by the family of the owner, with the help of apprentices, who get practically nothing but room, board, and clothing. The general difference in production cost between Japan and the United States certainly applies to goldfish production.

Also, no information is available as to the cost of these fishes laid down in the ports of the United States. Shipments have been arriving duty free. The only definite information on which we can base an estimate of cost is contained in the price list of Japanese importers located in the Pacific coast cities and offering stock for sale to importers and breeders.

As I have just stated, the prices offered by Japanese importers average $19.41 per hundred for commercial stock of fancy gold fishes, as against American prices of $31.17 per hundred for similar stock. For large fancy stock, for display and breeding purposes, the Japanese importers ask an average of $2.50 each, while American producers have been selling the comparable stock at an average of $5 each. The domestic producers of gold fishes, therefore, feel that a duty should be imposed on the basis of the prices shown in the price lists of Japanese importers, as this seems to be the only basis for comparison available at this time.

These prices I am submitting as contained in a circular letter sent out by the Nippon Goldfish Co., of San Francisco, Calif., dated January 19, 1929:

SAMPLE IMPORTERS' PRICE LIST—PRICE LIST NO. 201

SAN FRANCISCO, CALIF.

Imported fancy Japanese goldfish

(Price each)

Variety	Sizes			
	Small	Medium	Medium large	Large
Fantails		$0.10	$0.15	
Telescopes		.15	.20	$0.50
Calico fantails			.35	.50
Shubunkins	$0.06½			
	1 inch	1½ inches		2 inches
Lionheads	$0.75–$1.00	$0.30		$5.00–$6.00
	4½ inches	5 inches		4-year-olds
Selected breeders:				
Fantails	$1.00	$1.50–$2.00		
Telescopes	1.50	2.00–3.00		$5.00
Calico fantails	1.50	2.00–3.00		5.00

Extra fancy lionheads, $20 each; orandas, 2-inch, $2; fancy, $4–$5.

Miscellaneous

	Per hundred
Medaka	$5
Japanese snails	2
Extra large Japanese snails	3
Dojo (plain weatherfish)	5
Spotted weatherfish	8
Japanese newts (red belly)	6

Fish foods: Ground shrimp: Genuine imported Japanese shrimp, new crop, tender, per pound, 40 cents. In 100-pound lots, 37½ cents per pound.

Mikado goldfish food: Made of gluten flour into ball wafers; very popular on Pacific coast; per pound, 75 cents. In cases, 18 pounds net, in half-pound packages, 65 cents per pound.

Terms, cash with order, 2 per cent discount. Shipment at purchaser's risk. Shipping cans returnable by express prepaid.

I am also submitting herewith a "sample United States producer's price list":

Goldfish prices

	Length	Price per hundred
Common:	*Inches*	
Small	1½–2	$2.50
Medium	2 –2½	3.50
Medium large	2½–3	5.00
Large	3 –4	6.50

Goldfish prices—Continued

	Length	Price per hundred
Common—Continued	*Inches*	
Extra large	4 –5	$8.00
No. 1 fountain	5 –6	10.00
No. 2 fountain	6 –7	25.00
No. 3 fountain	7 –8	50.00
Comets:		
Small	2½	7.50
Medium	2½–3½	10.00
Large	3½–5	15.00
Extra large	5 –6	22.50
Japanese nymphs:		
Small	2½	7.50
Medium	2½–3	10.00
Large	3 –4	12.00
Extra large	3 –5	18.00
American fantails:		
Small	2	8.00
Medium	2 –2½	12.50
Large	2½–3½	18.00
Extra large	3½–5	25.00
Japanese fantails, regular:		
Small	2	12.00
Medium	2 –2½	18.00
Large	2½–3½	25.00
Extra large	3½–5	40.00
Japanese fantails, very select (scaleless if specified):		
Small	2	24.00
Medium	2 –2½	36.00
Large	2½–3½	50.00
Extra large	3½–5	80.00
Chinese red telescopes:		
Small	2	15.00
Medium	2 –2½	25.00
Large	2½–3½	32.00
Extra large	3½–5	60.00
Chinese Moors:		
Small	2	20.00
Medium	2 –2½	30.00
Large	2½–3½	40.00
Extra large	3½–5	90.00
Shubunkins:		
Small	2	7.50
Medium	2 –2½	10.00
Large	2½–3½	15.00
Extra large	3½–5	25.00
Aquarium scavengers:		
Tadpoles		1.00
Pond snails		2.00
Red ramshorn		15.00

Frederick County, Md., has always been considered the heart of the goldfish industry. By no means, however, is the production of goldfishes entirely limited to Frederick County. Other counties of the State, such as Baltimore, Howard, Montgomery, and Washington Counties, contribute their share of the production. The principal plant at Frederick occupies more than 1,500 acres of land. It has hundreds of ponds, varying in size from one-third of an acre to one with over 11 acres in one pond. This is probably the largest goldfish pond in the world.

After carefully considering the constantly increasing competition, and comparing all prices, it is believed that in order to have an adequate protection, a specific duty of at least 6 cents each, with a minimum of not less than 66⅔ per cent ad valorem should be placed on imported goldfishes.

I have, therefore, in the light of the facts furnished me by the domestic producers, prepared an amendment calling for such duty, and am herewith submitting the same with the request that it be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was rejected.

Mr. GLENN. Mr. President, I send to the desk and ask to have reported the following amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The LEGISLATIVE CLERK. On page 144, paragraph 777, line 21, after the word "broomcorn," insert:

Twenty dollars per ton of 2,000 pounds.

Mr. GLENN. Mr. President, this is an amendment which I am sure Senators will readily appreciate to be in the interest of the farmers. There are 10,000 farmers in the States of Oklahoma, Kansas, Colorado, New Mexico, Texas, and Illinois now engaged in raising broomcorn. Large quantities of the product have come into this country, not in recent years but heretofore, from Italy and Hungary and other European countries. It is not coming in now because it is infested with the corn borer. The corn borer was brought into this country originally in broomcorn from northern Hungary, and that pest has cost the country more than $13,000,000.

I will state the situation about the amendment. The House made a provision for $10 per ton, the Senate Finance Committee

a provision for $25 a ton, and in Committee of the Whole the provision was removed entirely. My colleague the senior Senator from Illinois [Mr. DENEEN] advocated a duty of $25 a ton when the amendment was previously before the Senate. I believe I can truthfully say that my colleague is necessarily absent. I ask that a duty of $20 per ton be voted by the Senate in order that the question may be sent to conference. I believe it is a matter of interest and benefit to the farmers.

Mr. SMOOT. Mr. President, I will simply say that the reason why the rate was originally recommended was because of the fact that the heads of the organizations requested not only $25 but $35, and the Finance Committee reported it to the Senate at $25.

Mr. COPELAND. Mr. President, I did not hear the Senator from Illinois tell us about the exports of broomcorn from the United States. The fact is that they have not been less than three or four thousand tons annually. In 1928 they amounted to over 5,000 tons. These exports go to Italy, and if the Senate desires to awaken the animosity of Italy and have retaliation on some other article, automobiles, for instance, very well; but there is no more excuse for a tariff on broomcorn than there is for a tariff on the hair of the woman in the moon. It is outrageous even to think about it.

The VICE PRESIDENT. The question is on the amendment of the Senator from Illinois. [Putting the question.] The ayes seem to have it.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Glenn	Keyes	Shortridge
Ashurst	Goff	La Follette	Smoot
Baird	Goldsborough	McCulloch	Steck
Barkley	Gould	McMaster	Steiwer
Bingham	Grundy	McNary	Swanson
Black	Hale	Metcalf	Thomas, Idaho
Blaine	Harris	Moses	Thomas, Okla.
Blease	Harrison	Norbeck	Townsend
Borah	Hastings	Norris	Trammell
Brookhart	Hatfield	Nye	Tydings
Capper	Hawes	Oddie	Vandenberg
Connally	Hayden	Phipps	Walsh, Mass.
Copeland	Howell	Pine	Walsh, Mont.
Fess	Johnson	Robinson, Ind.	Waterman
Fletcher	Jones	Robsion, Ky.	Watson
Frazier	Kean	Schall	
George	Kendrick	Sheppard	

The VICE PRESIDENT. Sixty-six Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment offered by the junior Senator from Illinois [Mr. GLENN].

Mr. GLENN. I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] The ayes seem to have it.

Mr. HARRISON. I ask for a division.

The VICE PRESIDENT. A division is requested. Senators favoring the amendment will rise and stand until counted.

Mr. HARRISON. Mr. President, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. JONES. Mr. President, I ask that the amendment may be reported.

The VICE PRESIDENT. The amendment will again be read.

The legislative clerk again read the amendment.

Mr. BORAH. Mr. President, may I ask the Senator from Utah what is the present rate on broomcorn?

Mr. SMOOT. It is on the free list.

The VICE PRESIDENT. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBINSON of Indiana (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS]. Not knowing how he would vote, and in his absence, I withhold my vote.

Mr. THOMAS of Idaho (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WHEELER]. If I were permitted to vote, I should vote "yea."

Mr. TOWNSEND (when his name was called). I have a general pair with the Senator from Tennessee [Mr. MCKELLAR]. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. BINGHAM. Mr. President, I inquire if the junior Senator from Virginia [Mr. GLASS] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. BINGHAM. I have a nontransferable pair with the junior Senator from Virginia, and therefore withhold my vote. If permitted to vote, I should vote "yea."

Mr. WATSON. I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Vermont [Mr. DALE], and vote "yea."

Mr. STEIWER (after having voted in the affirmative). I inquire if the Senator from New Mexico [Mr. BRATTON] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. STEIWER. I have a special pair with the Senator from New Mexico. I thought he was present in the Chamber when I voted. In his absence, and on account of the pair, I withdraw my vote.

Mr. WALCOTT. I have a pair with the Senator from South Carolina [Mr. BLEASE]. If he were present, he would vote "nay"; and if I were permitted to vote, I should vote "yea."

Mr. FESS. I wish to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the junior Senator from North Carolina [Mr. OVERMAN];

The Senator from Massachusetts [Mr. GILLETT] with the senior Senator from North Carolina [Mr. SIMMONS];

The Senator from Pennsylvania [Mr. REED] with the senior Senator from Arkansas [Mr. ROBINSON];

The Senator from Wyoming [Mr. SULLIVAN] with the Senator from Tennessee [Mr. BROCK];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER];

The Senator from Vermont [Mr. GREENE] with the junior Senator from Arkansas [Mr. CARAWAY]; and

The Senator from Kentucky [Mr. ROBSION] with the Senator from Oklahoma [Mr. THOMAS].

The result was announced—yeas 37, nays 22, as follows:

YEAS—37

Allen	Hale	Keyes	Ransdell
Baird	Hastings	McCulloch	Schall
Brookhart	Hatfield	McMaster	Shortridge
Capper	Hawes	McNary	Steck
Fess	Hebert	Metcalf	Vandenberg
Frazier	Howell	Moses	Waterman
Glenn	Johnson	Norris	Watson
Goff	Jones	Nye	
Goldsborough	Kean	Oddie	
Grundy	Kendrick	Pine	

NAYS—22

Ashurst	Copeland	Hayden	Trammell
Barkley	Cutting	La Follette	Tydings
Black	Fletcher	Norbeck	Walsh, Mass.
Blaine	George	Phipps	Walsh, Mont.
Borah	Harris	Sheppard	
Connally	Harrison	Swanson	

NOT VOTING—37

Bingham	Gillett	Reed	Sullivan
Blease	Glass	Robinson, Ark.	Thomas, Idaho
Bratton	Gould	Robinson, Ind.	Thomas, Okla.
Brock	Greene	Robsion, Ky.	Townsend
Broussard	Heflin	Shipstead	Wagner
Caraway	King	Simmons	Walcott
Couzens	McKellar	Smith	Wheeler
Dale	Overman	Smoot	
Deneen	Patterson	Steiwer	
Dill	Pittman	Stephens	

So Mr. GLENN's amendment was agreed to.

The VICE PRESIDENT. The schedule is still in the Senate and open to amendment.

Mr. COPELAND. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment submitted by the Senator from New York will be stated.

The LEGISLATIVE CLERK. On page 127, after line 7, it is proposed to insert a new paragraph, as follows:

PAR. 710½. Swiss cheese, Roquefort and Gruyère, 10 cents per pound.

Mr. BLAINE. A point of order, Mr. President.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. BLAINE. The proposition involved in this amendment was debated more than once as in Committee of the Whole, and then, on the 12th day of March, upon a reservation made by the Senator from New York [Mr. COPELAND], paragraph 710, relating to cheese was amended. That included, in general terms, all cheese, with some exceptions made by the Senator from New York. So the Senator is really bringing up the same subject for the third time.

The VICE PRESIDENT. The Chair——

Mr. COPELAND. Just a moment, please.

Mr. President, there is just as much difference between these cheeses which I propose to put in a new paragraph as there is between plate glass and common glass. We did not put all the glass in one paragraph; and here we have these foreign cheeses, entirely different from the American Cheddar and

other cheeses, and they are clearly entitled to a distinct paragraph.

The VICE PRESIDENT. In the opinion of the Chair, the amendment is out of order.

Mr. COPELAND. Mr. President, have I the right to discuss that?

The VICE PRESIDENT. The Senator can discuss it on another amendment if he wants to do so.

Mr. COPELAND. I refer to the ruling of the Chair.

The VICE PRESIDENT. The Senator can discuss that if he desires.

Mr. COPELAND. The Chair is so eminently fair that I think I would not care to discuss the question, but I do want to discuss the other matter.

The VICE PRESIDENT. The schedule is still before the Senate and open to amendment.

Mr. HAYDEN. I offer an amendment.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On pages 135 and 136 it is proposed to strike out paragraph 741 and insert in lieu thereof the following:

PAR. 741. Dates, fresh or dried, with pits, 1 cent per pound; with pits removed, 2 cents per pound; any of the foregoing in packages weighing with the immediate container not more than 10 pounds each, 7½ cents per pound; prepared or preserved, not specially provided for, 35 per cent ad valorem.

Mr. SMOOT. Mr. President, I think the amendment is worded better than the provision now in the bill, in which there seems to be a conflict in one or two instances. Virtually the same rates are provided as in the amendment to which the Senate has already agreed, and the wording of the amendment is much better.

Mr. HARRISON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Mississippi?

Mr. HAYDEN. I yield.

Mr. HARRISON. The Senator from Utah says the rates are "virtually the same." Is the amendment merely a rearrangement of the words, or is there a difference in the rate?

Mr. HAYDEN. There is a slight difference, which I think I should explain to the Senate.

When the agricultural schedule was under consideration some time ago I offered an amendment providing for an import duty on dates in packages of 10 pounds or less at a rate of 10 cents a pound, which was amended so as to provide a duty of 7½ cents a pound. That left dates with pits at 1 cent a pound and dates prepared or preserved at 35 per cent ad valorem.

Dates with pits removed have been classified by the Treasury Department as prepared or preserved. After the package-date amendment, to which I have referred, was adopted the importers sent a representative from New York, a Mr. W. S. Armstrong, of the Smyrna Imports Co., to see me and to ask if it would not be possible to have a specific rate levied on pitted dates. Mr. Armstrong said that they had great difficulty with the Treasury Department in arriving at a proper ad valorem valuation.

I sent the gentleman to the Tariff Commission, with a request to look into his complaint and see what there was to it. The commission has submitted memorandum reports to me stating that there has been great difficulty in arriving at the value of imported pitted dates, and that on the average there has been paid a duty of about 1.4 cents per pound.

The importers are willing to pay 2 cents in order to be able to know with certainty what they will have to pay. It seems to me that, to avoid these difficulties, it would be proper and just to accede to their wishes. The producers of dates in Arizona, California, and elsewhere have no complaint. I have taken the matter up with Representative SWING, of California, in whose district most of the American dates are produced, with the Senators from California, and also with the Senator from New York [Mr. COPELAND]. There is absolutely no objection to the amendment I have just offered from any source. It satisfies everybody.

Mr. HARRISON. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Mississippi?

Mr. HAYDEN. I yield.

Mr. HARRISON. The Senator says the amendment carries a small increase.

Mr. HAYDEN. It changes the rate of duty to be paid on pitted dates from 35 per cent ad valorem, which the Tariff Commission says has been an average of about 1.4 cents per pound, to 2 cents per pound. I have letters from interested importers saying that they would prefer to pay 2 cents a pound, because they have had their dates held up for as long as three months at a time by the appraisers at customhouse in New York.

Mr. HARRISON. When I asked the Senator the question a few moments ago, I understood him to say it carried a slight increase. I have talked to the chairman of the committee and the experts and, according to their figures, it is not an increase but merely a rearrangement.

Mr. HAYDEN. It is so close to the rate already provided that I think the change is not material.

Mr. SMOOT. In other words, I will say to the Senator, that instead of 35 per cent the rate is made 2 cents per pound. In some years the average value has been 10½ cents per pound, so that it is actually a reduction.

Mr. HAYDEN. It comes very close to being the same rate, but I thought the Senate ought to be advised as to exactly what will be accomplished.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Montana?

Mr. HAYDEN. I yield.

Mr. WALSH of Montana. There is an increase in the case of pitted dates from 1.4 cents to 2 cents?

Mr. HAYDEN. Yes; but the rate remains the same on preserved dates as it is now provided in existing law.

Mr. WALSH of Montana. The Senator declared that it was satisfactory to everybody?

Mr. HAYDEN. It is.

Mr. WALSH of Montana. I wanted to inquire whether that included the consumer.

Mr. HAYDEN. The change is so slight that the consumer will have very little interest in this matter.

I ask leave to have inserted in the RECORD certain memoranda which I received from the Tariff Commission, to appear after my remarks and other matter on the same subject.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

FEBRUARY 27, 1930.

Memorandum from the United States Tariff Commission to Senator HAYDEN.

Subject: Dates.

Your amendment, providing for a duty of 7½ cents per pound on dates weighing with their immediate containers not more than 10 pounds, as it now stands would apply to all dates in such packages whether with pits, without pits, or prepared or preserved. If it was your intention to have your amendment apply to dates with or without pits in containers weighing not more than 10 pounds each and not to apply to prepared or preserved dates, this result could be achieved by making paragraph 741 read as follows:

Page 135, line 23, paragraph 741.

"Dates, fresh or dried, with pits, 1 cent per pound; with pits removed, — cents per pound; any of the foregoing in packages weighing with the immediate container not more than 10 pounds each, 7½ cents per pound; prepared or preserved, n. s. p. f., — per cent ad valorem."

Until the calendar year 1928, practically all of the United States imports of fresh or dried dates consisted of dates with pits. The imports fluctuated between forty and fifty million pounds per year and the average foreign value has been consistently around 5 cents per pound. Beginning in 1928 the imports of dates classified as prepared or preserved became important. In 1928 they amounted to 1,139,744 pounds with an average foreign value of 4.2 cents per pound; in 1929 the imports of these prepared and preserved dates had increased to 7,346,222 pounds with an average foreign value of 4.6 cents per pound.

The imports thus classified as prepared or preserved consist almost entirely of dates which have been pitted since the Customs Court have held that dates fresh or dried which have been pitted are dutiable as prepared dates at 35 per cent rather than as dates fresh or dried at 1 cent per pound. Prior to 1928 the imports of dates prepared or preserved, as reported by the Department of Commerce, had been small. For example, in 1927 the imports amounted to 9,102 pounds valued at $2,266, with an average foreign value of 24.9 cents per pound. In prior years the amounts show some fluctuations and the average values are decidedly less than 1927, approximating 10 cents per pound.

It is noteworthy that in 1929, when more than 7,000,000 pounds of pitted dates were imported, the average value was 4.6 cents per pound as compared to an average value of 4.9 cents per pound of the more than 39,000,000 pounds of dates fresh or dried with pits. It is obvious that in the preparing of dates by removing the pits, certain losses in weight occur and certain costs for pitting must be borne by the foreign or domestic manufacturer. It is strange, therefore, that the foreign value of pitted dates should be less than the foreign value of the imports of dates with pits.

Apparently there has been considerable trouble in setting a foreign value on pitted dates for the collection of the duty of 35 per cent ad valorem now applied to imports of dates in this form. It probably

would be much more satisfactory from the point of view of both customs officials, importers, and domestic processors of dates if a specific rate could be applied to dates which have been pitted. No data are at present available to the Tariff Commission as to the losses in weight and differences in costs of production in the preparing of pitted dates in the United States or abroad.

FEBRUARY 28, 1930.

Memorandum to Senator HAYDEN.
Subject: Dates.

Supplementing the memorandum you received, dated February 27, 1930, there has been obtained by telephone and by mail the following information from Hills Bros. Co., of New York City, one of the leading importers of dates:

In the pitting of dates in the United States certain losses occur. Starting with 100 pounds of whole dates, about 85 pounds only can be used for pitting, the 15 pounds unsuitable representing dates which are broken, moldy, wormy, etc. The loss due to pitting is about 15 per cent. Therefore, allowing for both losses, it takes approximately 138 pounds of dates with pits to make 100 pounds of dates with pits removed.

On the basis of the present rate of 1 cent per pound on dates with pits the compensatory duty for the pitting operation would be 1.4 cents per pound on dates with pits removed. In addition to the compensatory duty shown above, there is, of course, the cost of pitting in the United States and abroad. According to Hills Bros. Co., their costs of pitting in the United States are 4 cents per pound. This figure has not, of course, been verified by an examination of their books, and appears to be somewhat high.

Hills Bros. Co. also supplied data showing the difference between the price of dates with pits and dates with pits removed, as offered from foreign sources. The price per hundred pounds of dates with pits removed is higher than similar dates with pits by 86.8 cents in the case of Hallowee dates, 68.7 cents in the case of Khadrawi dates, and 66.9 cents in the case of Sayers dates. The quotations are based on similar quantities of dates, and therefore an allowance must be made in these differences in price for the quantity of dates needed to make 100 pounds of pitted dates. On that basis the difference in the price per pound of dates with pits removed for the three varieties mentioned and in the order given is, per hundred pounds, $1.20, 95 cents, and 92 cents.

WASHINGTON, D. C., *March 1, 1930.*

W. S. ARMSTRONG,
New York City, N. Y.:

Tariff Commission advises me that prior to 1928 importations of prepared or preserved dates were so small as to be negligible in comparison with total importations, but that year the amount jumped to over 1,000,000 pounds, which was increased last year to over 7,000,000 pounds. Practically all of this increase was undoubtedly due to importation of pitted dates which had average foreign value of about 4½ cents. Commission says that there has been difficulty in fixing foreign value and agrees that specific rate is desirable. I shall therefore offer amendment for import duty of 2 cents per pound on pitted dates and have package rate of 7½ cents apply only to pitted and unpitted dates, leaving the 35 per cent ad valorem rate to apply on prepared or preserved dates only.

CARL HAYDEN.

NEW YORK, *March 1, 1930.*

Hon. CARL HAYDEN,
Washington, D. C.

MY DEAR SENATOR: Please accept my sincere thanks for your telegrams, which indicate that you now have a very clear understanding of the "date" proposition both as to your amendment and to the matter of "pitted dates" packed here from importations in bulk.

Trust you will be able to get the paragraph 741 through in the form in which you now have it as it means a lot in this business when competition is so keen to know what the cost will be without having to wait three months, as we did this year, for the United States appraisers to determine a value.

As our business is that of packing pitted dates imported in bulk in small packages for sale to the consumer in package form exclusively, any help we can get in simplifying the tariff provision on this commodity will be of great benefit.

Again thanking you for your trouble and courtesy, I am,

Yours very truly,

SMYRNA IMPORTS CO. (INC.),
W. S. ARMSTRONG.

MEMORANDUM FURNISHED BY THE AMERICAN DATE GROWERS ASSOCIATION ON PACKAGE DATES CONSUMED IN AMERICA IN RELATION TO THE DATE TRADE AS A WHOLE

1. The package-date trade is very small, as can readily be determined by inquiring at the Department of Commerce.

2. The largest part of this package-date trade is of the Fard date produced in Semail Valley in the Mascat country of southeastern Arabia. It is said that Fard dates are exported only to the United States and are handled exclusively by Hills Bros., and since they are on record as favoring the package-date tariff it is clear that they do not anticipate serious harm to the Fard date trade. This is doubtless because the Fard date packages are already large—usually 5 or 10 pound boxes—and it will probably be easy to ship them in, say, 12 or 15 pound boxes that will not come under the package tariff. The Fard dates are very seldom sold to the consumers in the original package, so, properly speaking, they are not consumer-package dates at all.

3. The fear expressed that the proposed tariff on package dates will increase the price of dates to American consumers is entirely without foundation, since the importations of package dates, aside from Fard, are extremely small and cut practically no figure in the present date trade beyond disgusting the consumers with package dates because of the fermented or maggot-infested character of much of this merchandise.

4. Bulk dates imported from Mesopotamia are on sale in all the large cities of the United States at a very moderate advance over the wholesale price. Bulk dates of the Halawy variety (the variety chiefly imported into the United States) are on sale in San Francisco at 12 cents and in New York at 10 cents per pound. As the boxes are pasteurized by steam heat such dates are not as unsanitary as the small packages of fermented dates that have not been pasteurized or properly fumigated.

To summarize, therefore, the proposed package-date tariff, even at 10 cents a pound would not increase the price of dates to the consumers except on a vanishingly small trade in the dumped surplus and culls of the North African date trade. Furthermore, the people in the big cities of the United States can, as they always have in the past, buy standard bulk dates sterilized by pasteurization at an extremely reasonable price, and this retail sale of bulk dates is in no way interfered with by anything in the tariff, which remains, as for years past, 1 cent a pound on bulk dates.

PROBABLE RAPID INCREASE IN DATE PRODUCTION IN ALGERIAN SAHARA

A semiofficial statement contained in the work by Capt. Daniel Moulias on Irrigation of the Oases of the Sahara, a 306-page book published in Algeria in 1927, shows the export of dates from Algeria has jumped from 20,028 metric quintals (of 220.46 pounds each) in 1901 to 122,344 quintals in 1925. In other words, an increase of more than sixfold in 25 years. Extensive plantings of dates are said to have been made in this region since 1925, and exports of dates from Algeria can be expected to increase at the same ratio during the next 25 years.

At present only culls and unmarketable surpluses are sent to America, but within 10 or 15 years there is likely to be a determined effort to sell these dates in large quantities in our markets. The first efforts at marketing even high-grade dates are likely to be more or less unsuccessful on account of the inexperience of the exporters in shipping across the Atlantic. This is likely to result in flooding our markets for several years with package dates of very uncertain keeping qualities, probably resulting in completely demoralizing the market and disgusting the consumers with package dates.

A tariff on package dates would tend to cause the producers in the Old World to concentrate on the European and South American markets, both of them superior to our own for high-grade luxury packs of dried fruits. In the long run the foreign producers will doubtless benefit rather than lose by the tariff on package dates, which would prevent their dumping culls and unsalable surpluses or improperly packed goods on the American markets.

Mr. COPELAND. Mr. President, I am in bitter opposition to the rate on dates, and certainly if there is an increase involved in the amendment, I am in opposition to that. But I must say that it is a very wise thing and a proper thing to change from an ad valorem rate to a specific rate. The importations—and they are very great—coming into New York are interfered with time and time again by reason of the difficulty the customs officials have in arriving at a true valuation in order to fix an ad valorem rate. I trust that feature of the amendment will be adopted.

While I am on my feet, Mr. President, I should like to say a thing or two about Swiss cheese.

This bill is filled with absurdities. The consumer is imposed upon in a dreadful way. In no respect is this more marked than in the cheese tariff.

Take, for instance, the importations of Swiss cheese. Where do they go—230,000 pounds of imported Swiss cheese to Boston; 11,000,000 pounds to New York; 700,000 pounds to Philadelphia; 230,000 pounds to Baltimore; 2,260,000 pounds to Chicago; 1,300,000 pounds to San Francisco; 460,000 pounds to Los Angeles; 230,000 pounds to Detroit; 345,000 pounds to Cleveland; 345,000 pounds to Cincinnati; 69,000 pounds to St. Louis; 69,000 pounds to Milwaukee; 276,000 pounds to Pittsburgh.

This is imported cheese. In every market the imported cheese sells from 10 to 12 cents in advance of the domestic cheese.

I hold in my hand the jobbers' price lists for the past year, issued every week. I have consulted the lists of many jobbers—not one—in order that there might be shown to the Senate the real significance of what is proposed by this outrageous rate upon Swiss cheese. I ask that when I have finished with them these figures may be included in my remarks.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

Comparison of wholesale Swiss cheese prices in New York, 1929–30

Exhibit	Date	Source of quotation	Domestic	Imported
	1929		*Cents*	*Cents*
1	Jan. 7	Kraft-Phenix Cheese Corporation	38	47
2	Feb. 4	do	38	47
3	Mar. 4	do	38	47
4	Apr. 1	do	38	47
5	Apr. 29	F. X. Baumert & Co	------	47
6	May 6	Kraft-Phenix Cheese Corporation	38	47
7	May 13	F. X. Baumert & Co	------	47
8	June 1	do	------	47
9	June 3	Kraft-Phenix Cheese Corporation	------	48
10	July 1	do	------	48
11	July 8	F. X. Baumert & Co	------	47
12	Aug. 5	Kraft-Phenix Cheese Corporation	38	48
13	Aug. 17	F. X. Baumert & Co	------	47
14	Sept. 9	Kraft-Phenix Cheese Corporation	37	47
15	Sept. 23	F. X. Baumert & Co	38	*49
16	Oct. 7	Kraft-Phenix Cheese Corporation	37	47
17	Oct. 28	F. X. Baumert & Co	38	*49
18	Nov. 18	do	38	*49
19	do	Kraft-Phenix Cheese Corporation	39	47
20	Dec. 9	do	39	47
21	do	F. X. Baumert & Co	39	49
	1930			
22	Jan. 6	Borden's	38½	*49
23	Jan. 13	Kraft-Phenix Cheese Corporation	37	47
24	Feb. 3	Borden's	38½	*49
25	Feb. 10	Kraft-Phenix Cheese Corporation	37	47
26	Mar. 3	Borden's	38½	*48
27	Mar. 10	Kraft-Phenix Cheese Corporation	37	47
28	Mar. 17	Borden's	38½	*48

Note 1. All prices given are f. o. b. New York, terms 1 per cent, 10 days.

Note 2. All prices given are for quantities of 4 loaf to tub or more, except where noted by *.

Note 3. * means price per single loaf.

Note 4. Prices compared are those of highest quality domestic and imported.

Note 5. F. X. Baumert & Co. is now Borden's.

Note 6. Kraft-Phenix Cheese Corporation is now a unit of National Dairy Products Corporation.

Note 7. The price quotations are those of the largest dairy product distributors in the United States.

Distribution per year of imported Swiss cheese

	Pounds
Boston	230,000
New York	11,000,000
Philadelphia	700,000
Baltimore	230,000
Chicago	2,260,000
San Francisco	1,300,000
Los Angeles	460,000
Detroit	230,000
Cleveland	345,000
Cincinnati	345,000
St. Louis	69,000
Milwaukee	69,000
Pittsburgh	276,000
Total	17,514,000

Mr. COPELAND. Now, see what is the truth.

On January 7, 1929, the price of domestic Swiss cheese was 38 cents; imported cheese, 47 cents. And so it goes on down—38–47, 39–47, 39–49, 37–47, and so forth—from 10 to 12 cents difference all the time.

We have placed in this bill a rate of 8 cents a pound or not less than 42 per cent ad valorem. Forty-two per cent of 47 cents is, in round numbers, 20 cents. In other words, we have added 20 cents a pound to every pound of imported Swiss cheese brought into our country and distributed to these various cities—a total quantity of 17,000,000 pounds.

The Democratic-progressive farm bloc considers that it is doing a great kindness to the American farmer by putting a 42 per cent rate on Swiss cheese. There will be a lot of farmers in America who will laugh at you when they find out what you have attempted to do.

Ninety-five per cent of the Swiss cheese made in the United States is made in Wisconsin. The dairy farmers of Wisconsin may think that they are going to benefit by this tax. But the Senator from Wisconsin [Mr. BLAINE] has told us he has taken the "bunk" out of Wisconsin. I judge he has on this matter, because I have had letters from Wisconsin telling me that they think it is absurd to put a duty of 42 per cent on Swiss cheese.

There never can be any competition between American Swiss cheese and the imported variety. I do not think I ought to put it quite that way; perhaps, as our American manufacturers of Swiss cheese improve in their methods, that time may come. But to-day in every market on the United States the imported article sells always 10 or 12 cents in advance of the domestic article. So that 95 per cent of Swiss cheese production coming from Wisconsin will not be benefited one single cent by what has been done by the Senator in his amendment.

On the other hand, 17,000,000 pounds will be increased in price in an amount in excess of $3,000,000. The people who consume Swiss cheese and Gruyère cheese and Roquefort cheese will spend from five to six or seven million dollars just to please the farmers of Wisconsin, or attempt to please them, by putting a rate of 42 per cent on Swiss cheese.

Mr. President, talk about "bunk" in the bill! There is not a piece of "bunk" in it equal to this duty upon cheese.

Here we are offending France by putting this great rate upon Roquefort cheese; we are offending Switzerland; we are offending the other countries producing these products, and for what? Just for the sake of writing into the bill 42 per cent on cheese!

Why, Mr. President, it is outrageous. If 42 per cent had been put upon Cheddar cheese I would not have a word to say, because that does come in competition with the cheese made in every State of this Union. But to put 42 per cent on all these imported cheeses is just simply to tax our citizens and will not benefit the American farmer a single penny.

So, Mr. President, I regret exceedingly that I could not have been permitted under the rules to offer a new paragraph and put these imported cheeses in another division in order that the consumers might be protected.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Arizona [Mr. HAYDEN].

The amendment was agreed to.

Mr. STEIWER. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 141, line 2, following the semicolon after the word "pound," insert the following:

Rye grass, 3 cents per pound.

Mr. STEIWER. Mr. President, just a word. I think I can explain the purpose of this little amendment.

Rye grass seed, as the bill now stands, is not specially referred to, and carries no protection in its own right. This seed, however, is covered in the basket clause of that section on page 141, line 5, the provision—

All other grass and forage crop seeds not specially provided for, 2 cents per pound.

The only purpose of the amendment I have offered is to take this grass seed out of that basket clause and give it a special identity, and a provision that it carry a rate of 3 cents per pound. My reason for that is that the State college of my State has made some inquiry and study concerning the matter, and advised me that 2 cents will not cover the difference in cost of production at home and abroad. A number of States produce this grass, and I am told by the agronomists that it is a grass that ought to be encouraged. It grows upon the marginal lands, the waterlogged and white lands. I think there will be no objection to this little increase, and I, therefore, propose the amendment to raise the duty from 2 cents to 3 cents per pound.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oregon.

The amendment was agreed to.

Mr. SHORTRIDGE. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 136, paragraph 742, line 4, strike out after "packages," up to and including "imported," in line 5, and insert the following:

Three cents per pound, but not less than 35 per cent ad valorem.

Mr. SMOOT. Mr. President, is that amendment in order?

The VICE PRESIDENT. The amendment was rejected, as the Chair understands; and therefore it can be offered again.

Mr. SHORTRIDGE. It is materially modified—a new amendment—as Senators will see in one moment.

In their wisdom, the Senators a moment ago without a record vote appeared to and did, under the ruling of the Chair, decline to adopt my suggested amendment which called for 5 cents per pound but not less than 45 per cent ad valorem. I will take a few moments now to explain this amendment.

Under the reading of the section, which I seek to amend, there is practically no protection whatever given to the horticulturist—the farmer. The Senate Finance Committee had suggested language and a provision which would give what some of us thought, and the Finance Committee thought, would

be ample protection. The Senate, however, as in Committee of the Whole, disagreed; whereupon I suggested the amendment just referred to and disposed of by the Senators present. Now, I offer a modified amendment changing "5 cents per pound but not less than 45 per cent ad valorem," to "3 cents per pound but not less than 35 per cent ad valorem."

I submit to the Senate that this is an item which affects directly Florida, for example. Her two learned Senators, if present, could and would explain the amendment as it affects their State much more clearly than I am able to do.

I know that Texas and Arizona are interested in developing and finding a market for this type of winter grapes, for it is that type, a winter grape, to which this amendment refers. I know Arizona is directly interested. I am sure that my learned friend the distinguished senior Senator from Virginia [Mr. SWANSON] is interested in it because the citizens of his State are engaged in this line of horticulture. Many American citizens are engaged in this line of horticulture.

I submit that a careful analysis of the facts, the cost of production here and in Argentina, or in Belgium, or in England, whence many of these grapes come, put in sawdust or excelsior or in powdered cork, shows, demonstrates beyond candid denial, that in our country, with our level and type of life and living, we can not compete with the products coming from the countries suggested.

This rate proposed, 3 cents a pound, and not less than 35 per cent ad valorem, is far less than a detailed analysis will show is the difference between the production abroad and here in any State of the Union.

I call upon those who believe in the doctrine of protection as applied to Maine as well as to California, to New Jersey as well as to Oregon, and to those from Montana who believe in a tariff where it is needed, to come to the rescue of the horticulture in the States I have mentioned.

A moment ago I betrayed a little irritation, and perhaps was rude in my remark at the result which came to me on the other proposed amendment. I hope the Senators will not cause me to feel irritated again, but will agree with me, to speak now seriously, in the suggested amendment. If Senators agree with me, and upon further examination in conference this rate shall be reduced a little or added to, if any mistake will have been made to-day, it can be righted to-morrow.

Mr. SMOOT. Mr. President, the equivalent ad valorem for the year 1927 was 7.32 per cent. The amendment of the Senator is not less than 35 per cent. So that this is an increase of only 500 per cent.

Mr. SHORTRIDGE. I do not care whether it is 500 or 5,000.

Mr. SMOOT. I am only stating the facts.

Mr. SHORTRIDGE. I question the accuracy of the Senator's statement. I have here a detailed analysis of the cost of these grapes as they come from Argentina, and it shows that the tariff amounts to 1 cent.

Mr. FESS. Regular order!

The VICE PRESIDENT. The Senator from California is proceeding in order.

Mr. SHORTRIDGE. I have not exhausted 10 minutes.

Mr. FESS. The Senator has spoken once.

The VICE PRESIDENT. The Senator is answering the Senator from Utah.

Mr. SHORTRIDGE. I make the statement now that an analysis will show that a tariff on the imported grapes in question was not over 10 per cent.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. WALSH of Montana. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GOULD (when his name was called). I have a general pair with the Senator from Utah [Mr. KING], so I can not vote. If I could vote, I would vote "yea."

Mr. ROBINSON of Indiana (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS]. In his absence I withhold my vote.

Mr. THOMAS of Idaho (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WHEELER]. Therefore I withhold my vote.

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. MCKELLAR]. I withhold my vote.

Mr. WALCOTT (when his name was called). I have a pair with the junior Senator from South Carolina [Mr. BLEASE]. Not knowing how he would vote, I withhold my vote.

Mr. WATSON (when his name was called). I have a pair with the senior Senator from South Carolina [Mr. SMITH], but I can not secure a transfer, and therefore I withhold my vote.

The roll call was concluded.

Mr. MOSES. Has the senior Senator from Iowa [Mr. STECK] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. MOSES. I have a general pair with that Senator on all matters affecting the pending bill, and therefore I withhold my vote. If permitted to vote, I would vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Wyoming [Mr. SULLIVAN] with the Senator from Tennessee [Mr. BROCK];

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER]; and

The Senator from Vermont [Mr. GREENE] with the Senator from Arkansas [Mr. CARAWAY].

Mr. SHEPPARD. I desire to announce that the senior Senator from Louisiana [Mr. RANSDELL] has a pair with the junior Senator from Washington [Mr. DILL] on this question.

The result was announced—yeas 30, nays 32, as follows:

YEAS—30

Allen	Fletcher	Johnson	Pine
Ashurst	Glenn	Jones	Schall
Baird	Goff	Keyes	Shortridge
Bingham	Goldsborough	McCulloch	Steiwer
Broussard	Hale	McNary	Trammell
Capper	Hatfield	Metcalf	Waterman
Connally	Hayden	Oddie	
Dale	Hebert	Phipps	

NAYS—32

Barkley	Frazier	Heflin	Robsion, Ky.
Black	George	Howell	Sheppard
Blaine	Glass	Kean	Smoot
Borah	Grundy	La Follette	Swanson
Bratton	Harris	McMaster	Tydings
Brookhart	Harrison	Norris	Vandenberg
Copeland	Hastings	Nye	Walsh, Mass.
Fess	Hawes	Pittman	Walsh, Mont.

NOT VOTING—34

Blease	Greene	Reed	Thomas, Idaho
Brock	Kendrick	Robinson, Ark.	Thomas, Okla.
Caraway	King	Robinson, Ind.	Townsend
Couzens	McKellar	Shipstead	Wagner
Cutting	Moses	Simmons	Walcott
Deneen	Norbeck	Smith	Watson
Dill	Overman	Steck	Wheeler
Gillett	Patterson	Stephens	
Gould	Ransdell	Sullivan	

So Mr. SHORTRIDGE's amendment was rejected.

The VICE PRESIDENT. The schedule is still in the Senate and open to amendment. If there be no further amendment to Schedule 7, Schedule 8 is in order.

Mr. HEFLIN. Mr. President, I have an amendment to prevent the importation of short-staple cotton into the United States. About 130,000 bales of this cotton comes in annually, and a great deal of it is of a sorry and low-grade variety. It is accumulated and counted in the supply and in the carry-over of cotton in the United States. We ought to keep it out. Is it proper to offer the amendment at this time?

The VICE PRESIDENT. It depends on what page it is and what paragraph it is. Will the Senator send the amendment to the desk?

Mr. HEFLIN. It was an amendment to the amendment of the Senator from California. His amendment provided 7 cents a pound on long-staple cotton, and my amendment provided 4 cents a pound on short-staple cotton.

The VICE PRESIDENT. The Chair is advised that that is in Schedule 9, so it has not yet been reached. Schedule 8 is in order. Are there any amendments to Schedule 8? If there are no amendments to be proposed to Schedule 8, then Schedule 9 is in order. The amendment of the Senator from Alabama may now be read.

Mr. SMOOT. Mr. President, I want to say to the Senator from Alabama that the amendment on long-staple cotton, as I have it, is found in Schedule 7, page 146, after line 8. With that statement, Mr. President, I think we will have to have unanimous consent to consider the Senator's amendment.

The VICE PRESIDENT. Let the amendment be stated so Senators may know where it is and what it is.

The CHIEF CLERK. The Senator from Alabama offers the following amendment: On page 146, after line 8, after the amendment heretofore agreed to, insert the following——

Mr. SMOOT. Mr. President, if we are going to follow out what the Senate has already done, it will be necessary to have

unanimous consent. This amendment is in the agricultural schedule.

Mr. FESS. It is not in order because that schedule is closed to amendment.

The VICE PRESIDENT. Let the amendment be reported.

Mr. WALSH of Montana. Mr. President, before the amendment is reported may we be advised from the desk as to the action heretofore taken on long-staple cotton?

The VICE PRESIDENT. The clerk will advise the Senator.

The CHIEF CLERK. On page 146, after line 8, on March 3, 1930, the amendment offered by the Senator from California [Mr. SHORTRIDGE] was agreed to, as paragraph 781, reading as follows:

Cotton having a staple of 1⅛ inches or more in length, 7 cents per pound.

Mr. WALSH of Montana. That was in Committee of the Whole, was it not?

The VICE PRESIDENT. It was agreed to in Committee of the Whole and concurred in in the Senate.

Mr. WALSH of Montana. Has not then the matter been disposed of?

The VICE PRESIDENT. A separate vote was reserved and the amendment was concurred in in the Senate. The Chair is of the opinion that the amendment of the Senator from Alabama comes too late and is out of order. Schedule 8 is still before the Senate and open to amendment.

Mr. HEFLIN. Mr. President, I understood the Chair to rule a few days ago that any amendment, before final action was taken, would be in order if it was pertinent to the question involved.

Mr. HARRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I yield.

Mr. HARRIS. I ask unanimous consent that the Senator from Alabama be allowed to offer his amendment, which I strongly favor, placing a duty on short-staple cotton. It seems to me it is a great injustice here in the last few hours of the consideration of the bill to deprive a Senator of the opportunity of offering an amendment when he gave notice that he expected to offer it. I hope there will be no objection to my unanimous-consent request.

The VICE PRESIDENT. Is there objection?

Mr. HEFLIN. I gave notice that I would offer the amendment. At the time the Senator from California [Mr. SHORTRIDGE] offered his amendment I was so anxious to help him get it adopted that I did not want to encumber it with anything that might bring about debate and complications, so I permitted my amendment to go over until later. I had given notice and I hope there will be no objection.

The VICE PRESIDENT. Is there objection?

Mr. WALSH of Montana. Mr. President, I suppose that would mean that if some one else asked for unanimous consent we must consider that it will have to be granted.

Mr. HEFLIN. Then I offer it in the form in which I now send it to the desk. I am sure the Chair will rule that it is now in order and I trust that it will be adopted.

The VICE PRESIDENT. Let the amendment be read.

The CHIEF CLERK. On page 146, after the amendment heretofore agreed to, insert the following:

Cotton having a staple of less than 1⅛ inches, 4 cents per pound.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] The noes seem to have it. The noes have it, and the amendment is rejected.

Mr. HEFLIN. I call for a division.

The VICE PRESIDENT. The Chair has announced the result and the request for a division comes too late. Schedule 8 is still before the Senate and open to amendment. If there are no further amendments to Schedule 8, Schedule 9 is before the Senate and open to amendment.

Mr. SMOOT. Mr. President, I send to the desk the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The Senator from Utah offers the following amendment: On page 160, after line 12, insert:

PAR. 924. All the articles enumerated or described in this schedule shall be subject to an additional duty of 10 cents per pound on the cotton contained therein having a staple of 1⅛ inches or more in length.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. GEORGE. Is this the compensatory rate?

Mr. SMOOT. It is the exact compensatory duty on the 7 cents rate.

Mr. GEORGE. I realize the difficulty of working out a better amendment than the Senator from Utah has proposed. Inasmuch as the matter will be entirely open in conference, I am not going to interpose any objection to sending the amendment to conference.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. GOFF. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 160, as a substitute for paragraph 922, insert:

New cotton wiping cloths in chief value of cotton, 3 cents per pound.

Mr. GEORGE. Mr. President, I inquire whether the amendment is in order?

The VICE PRESIDENT. The amendment is not in order.

Mr. SMOOT. Let the amendment be read again.

The VICE PRESIDENT. The clerk will read the amendment again.

The Chief Clerk again read the amendment.

The VICE PRESIDENT. The amendment is not in order.

Mr. GOFF. Mr. President, may I ask the Chair to state why it is not in order?

The VICE PRESIDENT. Because the amendment was agreed to in Committee of the Whole and concurred in in the Senate. The Senator's amendment should have been offered while the matter was in the Senate and before the amendment made as in Committee of the Whole had been concurred in. Schedule 9 is still before the Senate and open to amendment.

Mr. METCALF. Mr. President, I send to the desk the following amendment and ask that it be read.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 156, line 6, after the word "blankets" strike out the comma and "35" and insert in lieu thereof "or blanket cloth, napped or unnapped, 30," and after the word "valorem" insert "but not less than 14¼ cents per pound," so as to read:

Blankets, or blanket cloth, napped or unnapped, 30 per cent ad valorem, but not less than 14¼ cents per pound.

Mr. GEORGE. Mr. President, I make the point of order that the amendment is not in order.

The VICE PRESIDENT. The latter part of the amendment is not in order.

Mr. METCALF. That amendment was not agreed to.

Mr. BINGHAM. Mr. President, according to decisions of the Chair to-day, where amendments by the committee were disagreed to it is in order to amend the same and offer the same language.

The VICE PRESIDENT. The Chair was advised that it had been agreed to. If it has not been agreed to, then the amendment of the Senator from Rhode Island is in order, and the question is on agreeing to the amendment.

Mr. GEORGE. Mr. President——

The VICE PRESIDENT. The Senator from Georgia is recognized.

Mr. GEORGE. If the Senator from Rhode Island wishes to discuss the amendment, I shall wait; otherwise I wish to discuss it.

Mr. METCALF. Mr. President, some 54 per cent of the blankets of this kind used in the United States are imported. Why not let our own labor make them? Why do we not let our own cotton go into them? In the State of Mississippi I understand that in some of the institutions they have even bought the foreign blankets. There are some 736,000 of these blankets, which will average 1¾ to 2 pounds per blanket, which are brought into this country. These are the cheap blankets. We do export some of the high-grade blankets that cost over a dollar, but these are the cheap blankets. The 14¼ cents will hardly let the manufacturers get by and operate.

I can not tell the Senate how many employees would be required if all of these blankets were made in this country, but let us give the labor of the country all the work we can. We are not interested so much in foreign labor. I hope that Senators will carefully consider the amendment, see what it would mean to the Northern and Southern States and to the northern and southern manufacturers to make the blankets in this country, and then adopt the amendment.

The Tariff Commission, on page 36 of their summary, show that the cotton blankets of all kinds that were imported for consumption from July 1 to September 1, 1922, had an average cost of $3.45. There are such great numbers of these blankets made and the duty on them is so small that I hope the Senate

will see the necessity of giving this work to our own labor in this country.

Mr. GEORGE. Mr. President, when this paragraph was reached in Committee of the Whole, the language then inserted by the Finance Committee of 16½ cents a pound—that is, a minimum specific duty of not less than 16½ cents a pound—was stricken out. The rate of duty was left at 35 per cent ad valorem. The Senator from Rhode Island now proposes to reduce the ad valorem duty from 35 per cent to 30 per cent but to insert the words "but not less than 14¼ cents per pound." The reduction from 35 per cent to 30 per cent, of course, is entirely meaningless; it has no bearing on the rate that is actually being inserted; the Senator might as well put it at 5 per cent or 1 per cent ad valorem, for the 14¼ cents per pound duty becomes the effective rate.

I come from a cotton State, a State where there are a great many mills, as there are, of course, cotton mills all over the South, and if I looked at this matter purely from a standpoint of sectional advantage, I would not be inclined to interpose any objection to the amendment, but the rate of "not less than 14¼ cents per pound" on the blankets here affected will constitute a duty of perhaps 50 per cent or a little more than 50 per cent, because I think the average value is about 27 cents, and, therefore, 14¼ cents is more than 50 per cent ad valorem.

I call attention to the fact that if these blankets are made dutiable at, say, 50 per cent ad valorem, or 14½ cents per pound, the duty will actually be higher than the duty upon this blanket, Jacquard figured, which bears a rate of 45 per cent ad valorem. Even Jacquard-figured napped cloth bears a duty of 45 per cent ad valorem, and the rate upon this particular blanket will be higher than the rate upon quilts or bedspreads or other blankets described in the paragraph.

These are the blankets used by the poor people of the United States; they constitute a part of the household necessity of families that perhaps can not afford to buy a more expensive blanket. It is true that the present rate is 35 per cent ad valorem, but the proposed specific rate will raise it to approximately 50 per cent ad valorem. Inasmuch as the Senate rejected the 16½ cents per pound specific rate, which would have amounted approximately to 60 per cent ad valorem, it seems to me that we ought not to agree to this amendment. It will unquestionably increase the duty upon this particular blanket that is used in the poorer homes in the United States.

Mr. METCALF. Mr. President——

The VICE PRESIDENT. The Senator from Rhode Island has spoken once on the amendment, and under the unanimous-consent agreement he is not permitted to speak again.

Mr. COPELAND. Mr. President, I have no desire to detain the Senate, but it has been pointed out to me by some of my constituents that, because of the marked difference in cost of production of this particular blanket here and abroad, there ought to be this readjustment of the rate, and I hope the amendment may be adopted.

Mr. BINGHAM. Mr. President, I desire to ask the Senator from Rhode Island if he will tell us what would be the cost of this type of blankets under the amendment which he has proposed?

Mr. METCALF. The 1¾-pound blanket, with this duty, would cost 57.4 cents. Against that, the cheapest the manufacturer in this country is able to make it for is 63 cents.

Mr. BINGHAM. Mr. President, in view of the statement made by the Senator from Rhode Island, may I say to the Senator from Georgia that it seems to me that the Senator from Rhode Island is making a very fair proposal, because it does not place the price of the blanket outside the realm of the possibilities of the very poor person. After all, these blankets do not weigh even 2 pounds, and with this duty placed on them, as the Senator from Rhode Island has stated, it will not bring the price of the blanket much above 60 cents.

As a matter of fact, the competition from Germany is such that the mills which are making these blankets—and they are located mostly in New England—are unable to secure an adequate price for their product and to keep their workers employed. So I hope the Senator from Georgia will withdraw his objection to the amendment.

Mr. WALSH of Massachusetts. Mr. President, I have received but two communications from the Associated Industries of Massachusetts in connection with tariff matters, but a letter in reference to this particular item has been sent to me, and it is very impressive as to the increasing volume of imports, the average for the last six years being 963,795 a year, and as to the depressed condition of this industry.

This is one of the few items in the cotton schedule that I think present a meritorious case for increased protection. I ask that the letter to which I have referred, together with a letter from the Springfield Blanket Co. (Inc.), be incorporated in the RECORD.

There being no objection, the letters were ordered to be inserted in the RECORD, as follows:

ASSOCIATED INDUSTRIES OF MASSACHUSETTS,
Boston, March 3, 1930.

Senator DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: The Associated Industries of Massachusetts desires to bring to your attention a situation which vitally affects one of the leading industries of the city of Holyoke, namely, the Springfield Blanket Co., which concern has been in business since 1872 and which is a member of this organization.

It produces cotton blankets of a low grade, which find a market in wheat fields, mines, on ships, and in construction camps. There is a legitimate demand for these products, and the concern now finds itself confronted with a very serious situation due to the importation of low-grade blankets from Germany.

Since January, 1929, the Springfield Blanket Co. has taken up the subject with the Massachusetts delegation in Washington, and has submitted briefs to the House Committee on Ways and Means and to the Senate Finance Committee, in addition to personally appearing before these bodies.

Beginning in 1923 and continuing to December 31, 1929, there were imported into the United States 6,746,564 cotton blankets, an average of 963,795 a year, at an average cost of 44.6 cents each. These figures are taken from the Tariff Commission's report on imports and exports, page 37, Table 912–D, under the heading of cotton blankets, not Jacquard woven.

You will also note in the same report on page 36, Table 912–A, that cotton blankets imported into this country for consumption from July 1, 1918, to September 21, 1922, numbered 703,885, at an average cost of $3.45 each.

The Springfield Blanket Co. presents to us the following comparison:

1919 to 1922, 307,885 blankets, at $3.45 each.

1923 to 1929, 6,746,564 blankets, at 44.6 cents each.

The cost as given us by the Springfield Blanket Co. for a comparable blanket is 77½ cents each.

The domestic consumption of plain woven cotton blankets is 1,786,000 a year and the number of comparable cotton blankets imported since 1923 numbered 963,795 a year, or 54 per cent of the domestic consumption.

Being the largest concern in the United States manufacturing this type of merchandise, the Springfield Blanket Co. would produce approximately 50 per cent of the total consumption stated above.

The Summary of Tariff Information, page 1578, shows the domestic production of cotton blankets in square yards and in pounds of all kinds of cotton blankets, including Jacquard woven, fancy block weaves, and plain woven, thereby making it impossible to gain a comparison with imports.

Practically the entire production of cotton blankets in the United States is of the fancy Jacquard woven or box loom block blankets of the more expensive type, and you will note that there are no imports of this kind shown in the report on textile imports and exports. Therefore, all the imported cotton blankets are of the plain, simple weave and low-priced types.

These importations have injured the business of the Springfield Blanket Co. to the extent of 54 per cent of the domestic consumption, as shown above, and that is why the Holyoke concern needs the protection afforded by the Keyes amendment, which would help the enterprise, but would not give it a parity with the importer.

The Keyes amendment, so called, offered by Senator KEYES, of New Hampshire, reads as follows:

"PAR. 911–A. Blankets, or blanket cloth not Jacquard woven, 30 per cent ad valorem, but not less than 14¼ cents per pound."

It would be to the great advantage of the Springfield Blanket Co. to have this amendment incorporated in the tariff act, as without the specific feature of 14¼ cents, it will be impossible for the Holyoke concern to compete with the imported products.

I sincerely trust that you will give this matter serious attention and that you will look into the situation further, and if the facts, as herein outlined, are found to be true, you will support the Keyes amendment, which seems to be the only way out for the Springfield concern.

Very truly yours,

O. L. STONE, *General Manager.*

HOLYOKE, MASS., *May 17, 1929.*

Hon. DAVID I. WALSH,
Senate Office Building, Washington, D. C.

DEAR SENATOR: Recently we read in a newspaper an article wherein you were quoted to the effect that you believed the new tariff should be a competitive one.

We were greatly heartened in reading this, as the House, in its new bill, increased cotton blankets (par. 911, new) and cotton coat linings containing wool (par. 906, new) so that the importer will only pay

additional duties of 1 cent per pound on low-priced cotton-waste blankets, which are being imported from Germany, and a maximum of 2 cents per yard on cotton coat linings imported from the same country, and, if these linings are wholly of cotton (par. 922, new), there is no increase. This means that the importer will have an advantage over us of 18 cents per pound on cotton-waste blankets and a like amount on a yard of cotton coat linings.

Last fall we lost an order for some 300,000 yards of cotton coat linings, although in submitting our bid we eliminated profit and cut down our overhead figures, as we had been warned that imported linings would be considered at a price much lower than ours; also, that an importer of German linings had advised the trade, and particularly this customer, that he would sell less than the domestic manufacturers, no matter what price they quoted.

Notwithstanding that our price had been chopped as above, we were underbid by the importer and German linings were purchased. Curious as to the price this importer paid for his linings in Germany, we made an inquiry to the Bureau of Foreign and Domestic Commerce, and we are inclosing a copy of a reply received from their attaché in Berlin, showing that these imported cotton linings are offered at 10¾ cents per yard in Hamburg and are imported, including duty and transportation charges, for 15 cents per yard, either in Boston, New York, or Philadelphia.

Please let us state here that, if we included in our costs a reasonable earning of 6 per cent on our tangible net worth, our cost for these linings would be 32 cents a yard, against 10¾ cents as they are offered in Hamburg. Also, it is significant to note that our weavers average $25 for a 48-hour week, while, according to official Government records, those of Germany average $4.35 for a 60-hour week.

To have fair competition from this source we should have, as we asked for in our plea before the Committee on Ways and Means, a specific duty of 20 cents per pound on both of these items. So you can see the new increases authorized in the new House bill do not afford us competitive protection and we would be very glad to have you give this consideration when the bill comes over into the Senate.

Yours very truly,

SPRINGFIELD BLANKET CO. (INC.),
ALFRED F. CRANDALL.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Rhode Island.

Mr. GEORGE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. ROBINSON of Indiana (when his name was called). In the absence of the junior Senator from Mississippi [Mr. STEPHENS], with whom I have a general pair, I withhold my vote.

Mr. THOMAS of Idaho (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WHEELER], and, therefore, withhold my vote. If the junior Senator from Montana were present he would vote "nay," and I should vote "yea."

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. MCKELLAR], and in his absence withhold my vote.

Mr. WAGNER (when his name was called). I have a pair with the junior Senator from Missouri [Mr. PATTERSON]. I am informed that if present he would vote as I intend to vote. Therefore I feel at liberty to vote, and vote "yea."

Mr. WATSON (when his name was called). Being unable to secure a transfer of my pair with the Senator from South Carolina [Mr. SMITH] I withhold my vote. I should vote "yea," if I were permitted to vote.

The roll call was concluded.

Mr. WALCOTT. Mr. President, I have a pair with the Senator from South Carolina [Mr. BLEASE], who I understand, if present, would vote "nay." I find that I can transfer that pair to the junior Senator from Missouri [Mr. PATTERSON]. I make that transfer, and vote "yea."

Mr. FESS. I wish to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the junior Senator from North Carolina [Mr. OVERMAN];

The Senator from Massachusetts [Mr. GILLETT] with the senior Senator from North Carolina [Mr. SIMMONS];

The Senator from Pennsylvania [Mr. REED] with the senior Senator from Arkansas [Mr. ROBINSON];

The Senator from Wyoming [Mr. SULLIVAN] with the Senator from Tennessee [Mr. BROCK];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Vermont [Mr. GREENE] with the junior Senator from Arkansas [Mr. CARAWAY]; and

The Senator from Kentucky [Mr. ROBSION] with the Senator from Washington [Mr. DILL].

The result was announced—yeas 42, nays 24, as follows:

YEAS—42

Allen	Goff	Kean	Shortridge
Baird	Goldsborough	Keyes	Smoot
Bingham	Grundy	McCulloch	Steiwer
Broussard	Hale	McNary	Trammell
Capper	Harris	Metcalf	Vandenberg
Copeland	Hastings	Moses	Wagner
Dale	Hatfield	Nye	Walcott
Fess	Hebert	Oddie	Walsh, Mass.
Fletcher	Heflin	Phipps	Waterman
Frazier	Johnson	Pine	
Glenn	Jones	Ransdell	

NAYS—24

Barkley	Connally	Howell	Schall
Black	George	La Follette	Sheppard
Blaine	Glass	McMaster	Steck
Borah	Harrison	Norbeck	Swanson
Bratton	Hawes	Norris	Tydings
Brookhart	Hayden	Pittman	Walsh, Mont.

NOT VOTING—30

Ashurst	Gillett	Reed	Sullivan
Blease	Gould	Robinson, Ark.	Thomas, Idaho
Brock	Greene	Robinson, Ind.	Thomas, Okla.
Caraway	Kendrick	Robsion, Ky.	Townsend
Couzens	King	Shipstead	Watson
Cutting	McKellar	Simmons	Wheeler
Deneen	Overman	Smith	
Dill	Patterson	Stephens	

So Mr. METCALF'S amendment was agreed to.

Mr. SMOOT. Mr. President, when paragraph 922 was under consideration the question arose as to whether any wording could be devised to designate whether the rags were for paper making or whether they were for other purposes. I took up the matter by letter, as I promised a number of Senators I would do, with the Treasury Department; and the letter that I received suggested that after the word "rags" in paragraph 922, page 160, the first word, we insert the words "including wiping rags."

I ask that that amendment now be agreed to.

The VICE PRESIDENT. The only way that would be in order would be to reconsider, or by unanimous consent.

Mr. SMOOT. I am going to ask unanimous consent, because the department says this is the only thing we could do to meet the question raised by a number of Senators at the time this rate was under consideration.

Mr. WALSH of Massachusetts. Mr. President, the Senator wants a definition of wiping rags incorporated in the bill?

Mr. SMOOT. Yes.

Mr. WALSH of Massachusetts. There have been many requests that that be done.

Mr. SMOOT. Yes.

Mr. GLASS. Mr. President, let us understand what this is.

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Virginia?

Mr. GLASS. I do not want anybody to yield. I should like to know what the proposition is. Senators talk so that we can not hear them across the aisle.

The VICE PRESIDENT. Let the Senate be in order; and the Senator will please speak louder.

Mr. SMOOT. Mr. President, when paragraph 922 was under consideration the question arose as to how we could word the paragraph so that the rags for paper making and the rags for other purposes could be designated in such a way that the law could be administered. Everybody admits that it is a difficult thing to do. I wrote to the Treasury Department and asked the Treasury Department to submit a wording of this paragraph that would bring that about as nearly as it was possible to do so. The letter I received from the Treasury Department suggested that after the word "rags," we insert "including wiping rags," and then, on line 9, strike out "those" and insert "rags." That is the best language the Treasury Department could suggest.

Mr. GEORGE. Mr. President, the Senator from West Virginia [Mr. GOFF] offered some amendment to which I objected. My impression is that his amendment related simply to the language or to the definition of wiping rags. I will ask the Senator if that is true.

Mr. GOFF. Mr. President, will the Senator from Georgia yield?

Mr. GEORGE. Yes.

Mr. GOFF. The amendment which I offered in lieu of paragraph 922 reads as follows:

New cotton wiping cloths, in chief value of cotton, 3 cents per pound.

That is substantially accomplishing the same thing which, as I understand the Senator from Utah, is the purpose he has in asking unanimous consent to make the change he desires.

Mr. SMOOT. Exactly the same; but the Treasury Department advise me that this is the best wording they could devise to accomplish just exactly what the Senator from West Vir-

ginia desires, and the Senator from Georgia desires, and I think we all desire.

Mr. GEORGE. What I wanted to say is that I realize the difficulty here; and the Senator from Utah and I discussed this matter when it was passed and subsequently. I hope the Senate will give its consent to the insertion of this amendment, and I hope that it will accomplish substantially what the Senator from West Virginia had in mind. I do not think it goes as far as his amendment; but I think the suggestion made by the Senator from Utah is a proper suggestion.

Mr. GOFF. Mr. President, will the Senator from Georgia yield?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from West Virginia?

Mr. GEORGE. I do.

Mr. GOFF. I should like to say further that the main purpose which I hoped to accomplish was to bring about such a situation that the customs officials could definitely differentiate between cotton rags for wiping purposes and cotton rags for paper making; and that is exactly what I want clearly stated in this bill, so that there will be no difficulty or trouble when the matter comes before the customs officials at the ports of entry.

Mr. SMOOT. That is exactly what I asked the Treasury Department to do. The letter to me suggests these words, and therefore I have asked that they be adopted.

Mr. GOFF. I should like to hear stated again exactly what the Treasury Department suggests, because I do not always accept at its face value the interpretation which the Treasury Department—construing, possibly, information which it receives from the customs officials—may see fit to place upon such a paragraph.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. GEORGE. I yield.

Mr. SMOOT. The paragraph will read in this way:

Rags, including wiping rags, wholly or in chief value of cotton, except rags chiefly used in paper making, 3 cents per pound.

In other words, we put in after the word "rags" the words "including wiping rags"; we strike out the word "those," and we put in "rags," so that it will read "rags chiefly used in paper making, 3 cents per pound."

That is what the Treasury Department says is the best way to word the provision.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah to reconsider the vote whereby the amendment made as in Committee of the Whole was concurred in?

Mr. COPELAND. Mr. President, is this the paragraph that we discussed at some length, a long time ago, about rags used for washing automobiles, and that sort of thing?

Mr. SMOOT. Wiping rags—yes, Mr. President.

Mr. COPELAND. Does this propose to put an even higher rate upon them

Mr. SMOOT. Oh, no; not at all.

Mr. COPELAND. The rate is to stay the same?

Mr. SMOOT. The same, exactly.

Mr. COPELAND. Could not the Senator couple with his request a lower rate?

Mr. SMOOT. I do not think I would do that.

Mr. COPELAND. Of course, from my standpoint, the rate is outrageous; but I have no objection to this proposal.

Mr. GOFF. I should object if it were to be a lower rate.

The VICE PRESIDENT. Without objection, the vote will be reconsidered. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

The amendment made as in Committee of the Whole, as amended, was concurred in.

The VICE PRESIDENT. The schedule is still before the Senate and open to amendment.

Mr. COPELAND. Mr. President, I send to the desk an amendment to paragraph 909.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 155, line 20, paragraph 909, after the word "fabrics," strike out down to and including the word "chenilles" on line 22, so that the paragraph will read:

PAR. 909. Pile fabrics (including pile ribbons), cut or uncut, whether or not the pile covers the entire surface, wholly or in chief value of cotton, and all articles, finished or unfinished, made or cut from such pile fabrics, 50 per cent ad valorem; if terry-woven, 40 per cent ad valorem.

Mr. COPELAND. Mr. President, this paragraph covers the poor man's wool. The evidence is that there was domestic production of about $54,000,000 worth, and imports in 1928 of $3,000,000 worth, and in 1929 of $2,500,000 worth.

I can not for the life of me understand how there is any excuse for an increase of this rate to 62½ per cent; and I am asking that the rate be reduced, so that the poor man's wool may be within reach of the poor man.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was rejected.

The VICE PRESIDENT. The schedule is still before the Senate and open to amendment.

Mr. GEORGE. Mr. President, before we leave this schedule I direct the attention of the Senate to paragraph 906. I especially ask the Senator from Utah to give me his attention.

The Senator will recall that paragraph 906 is as follows:

Cloth, in chief value of cotton, containing wool, 60 per cent ad valorem.

The duty on all-cotton cloth, of course, is 40 per cent ad valorem; but if it contains wool, but is not in chief value of wool, it is made dutiable at 60 per cent ad valorem under this paragraph.

The Senator will recall the amendment offered a few nights ago by the Senator from Idaho [Mr. THOMAS], I believe, which was finally rejected. The Senator from Massachusetts [Mr. WALSH] indicated that he would propose a compromise offer for paragraph 1122. If anything is agreed to in the nature of the compromise suggested by the Senator from Massachusetts for paragraph 1122—which refers to any fabric containing more than 15 per cent of wool, as the Senator from Utah will recall—it seems to me that this paragraph—906—ought to come out altogether.

Mr. SMOOT. I do not think paragraph 906 ought to come out entirely if we adopt the amendment which the Senator from Massachusetts proposes to adopt in the wool schedule.

Mr. GEORGE. I think it should if we do. I must say very frankly that, in the form in which the Senator from Massachusetts has proposed it, the rate, in my judgment, is entirely too high, and I should have to oppose it; but if that amendment, or the principle of it, is adopted—let me read just the portion of it that would be applicable. I quote from the amendment offered by the Senator from Massachusetts:

That portion of the duty on the article computed under this schedule which the amount of wool bears to the entire weight, plus that portion of the duty on the article computed as if this paragraph had not been enacted which the weight of the component materials other than wool bears to the entire weight.

Mr. SMOOT. I ask unanimous consent that, if the amendment just read by the Senator from Georgia is agreed to in Schedule 11, we may return to paragraph 906, page 154, for action upon this paragraph. I quite agree with the Senator if we are going to accept that amendment.

Mr. GEORGE. That is, the principle here.

Mr. SMOOT. I want virtually that amendment.

Mr. GEORGE. I understand; but, I mean, this principle of computing the duty on these mixed fabrics. That will be satisfactory.

Mr. SMOOT. Then, of course, it will take care of paragraph 906.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. WALSH of Massachusetts. Mr. President, as I understand the position of the Senator from Georgia, he wants the same principle applied in the cotton schedule that would be applied to the amendment I propose in the wool schedule.

Mr. GEORGE. Not exactly that; but I suggest that we wait until we reach the amendment.

Mr. SMOOT. That is taken care of.

The VICE PRESIDENT. The schedule is still in the Senate and open to amendment.

Mr. BINGHAM. A parliamentary inquiry. I did not hear the arrangement which was just entered into. Will the Chair have the clerk state it?

The VICE PRESIDENT. Unanimous consent was given that paragraph 906 be passed over, with the understanding that it be returned to, providing the amendment suggested by the Senator from Massachusetts shall be adopted.

Mr. BINGHAM. I thank the Chair.

The VICE PRESIDENT. The schedule is still in the Senate and open to amendment. If there be no further amendment to Schedule 9, Schedule 10 is in the Senate and open to amendment.

Mr. BROUSSARD. Mr. President, I offer the amendment I send to the desk, and which I ask to have reported.

The VICE PRESIDENT. The amendment will be reported.

The CHIEF CLERK. The Senator from Louisiana offers the following amendment: On page 160, line 17, after the word "pound" and the semicolon, to strike out all down to the semicolon after the word "pound," in line 18, and to insert the words "flax tow and flax noils, 1 cent per pound; crin vegetal, twisted or not twisted, 2 cents per pound."

Mr. BROUSSARD. Mr. President, crin vegetal is a product that is imported into this country from Algeria and Tunis. The wage paid to the people who gather this palm fiber is 1 or 2 francs per day.

Under the Fordney-McCumber Act there was a duty of three-quarters of a cent a pound on this commodity. The House imposed a duty of 1 cent, and the Senate as in Committee of the Whole increased that to 4 cents per pound.

The VICE PRESIDENT. The Chair will state that the House text was restored, and therefore this amendment is not in order. The amendment made as in Committee of the Whole was concurred in in the Senate.

Mr. BROUSSARD. Mr. President, as I understand it, at the time the vote was taken I proposed another amendment to make the rate 2 cents a pound, and it was stated at that time that it would have to come up as an individual amendment.

The VICE PRESIDENT. Action on this matter was taken on the 13th of March, and there is no indication that the Senator made any reference to it.

Mr. BROUSSARD. The RECORD will show that the reservation was made.

The VICE PRESIDENT. The Chair is advised that that was done in the Senate proper, and because a reservation had been made.

Mr. BROUSSARD. The reservation was made by the Senator from New York when the 4-cent rate was adopted. I had no reason to make a reservation, because my proposal had prevailed, but during the discussion of this subject the chairman of the Finance Committee stated that he thought that 4 cents was too high; that he really believed that I should accept the 2-cent rate, which I was willing to do, and after I expressed myself on the subject, the Senator from New York then insisted that we have a vote on it, and instead of 4 we have 2 cents. I insisted that a vote be taken on the 4-cent rate. After that was defeated I offered an amendment to make the rate 2 cents, and I was informed by the Chair—and the RECORD will show that—that that amendment should be offered as an individual amendment. We were then considering the reservations made by individual Senators on action taken by the Senate as in Committee of the Whole.

Mr. COPELAND. Mr. President, will the Senator yield to me?

Mr. BROUSSARD. I yield.

Mr. COPELAND. Of course, I am in opposition, as the Senator knows, to what he is proposing, but candor compels me to say that the Senator from Louisiana did attempt to change the figure, and the President pro tempore said:

That amendment can not be entertained except by unanimous consent.

So the Senator from Louisiana said:

I will wait until it is in order.

The President pro tempore continued:

Upon reaching the stage of individual amendments, the amendment will be in order.

Mr. PITTMAN. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. PITTMAN. Was any change made in the House provision?

The VICE PRESIDENT. The House text was restored when the bill reached the Senate.

Mr. PITTMAN. The House provision is the only thing before the Senate, is it not?

The VICE PRESIDENT. That is all.

Mr. PITTMAN. I desire to make a further parliamentary inquiry. Any individual amendment may be offered when the House text is before the Senate, may it not?

The VICE PRESIDENT. Not when the Senate voted on restoring the text in the Senate.

Mr. PITTMAN. It was not to restore the language of the House provision, but simply defeating what was done as in Committee of the Whole.

The VICE PRESIDENT. The amendment should have been offered when the subject was up as in Committee of the Whole. However, the Chair believes, in view of the statement made by the President pro tempore, who was in the chair when the matter was reached in the Senate before, that the Senator has a right to offer the amendment.

Mr. BROUSSARD. Mr. President, that is my understanding. It was distinctly understood, and the RECORD bears me out.

Mr. FESS. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. FESS. I think in view of what the President pro tempore stated, the Senator should be permitted to offer his amendment, but I want to announce that I think I will be constrained to object to any unanimous consent to go back or to reconsider any of these motions. I think, in this case, the Senator from Louisiana should be permitted to offer his amendment.

The VICE PRESIDENT. In view of the statement made by the President pro tempore while he was in the chair, the Chair will hold that the amendment is in order.

Mr. BROUSSARD. Mr. President, I do not care to discuss this at length. I merely wish to make a short statement.

The importations of this crin vegetal have increased in value from $7,081 worth in 1919 to $549,834 worth in 1928.

I will read from the Summary of Tariff Information:

It is reported that substantial amounts used in packing cargoes were often carried out of the ship's hold and dumped on the dock as waste material and that these were later warehoused for sale at a low price.

That does not mean very much to the average Senator not acquainted with the competition to which this commodity subjects our people. Let me say that in 1925 my State alone there were over 15,000 people engaged in the gathering of that, which is the only other commodity used for the same purpose, upholstering, and there were 64 gins in operation, employing 700 people. That is quite a number of people actively engaged in one industry, which has absolutely been destroyed in the last three or four years. As I have shown, this commodity has been treated as waste, but the competition is such that these people will be forced out of business.

I am surprised at the Senator from New York, who is always talking about protecting labor, opposing me in my efforts to get a rate of 2 cents a pound fixed on this commodity, when the present rate is three-fourths of a cent. The House gave us 1 cent, not realizing fully the situation as it exists. I asked for 4 cents; the Senate, as in Committee of the Whole, granted that, and then it was stricken out. I am asking that 2 cents be made the rate on crin vegetal.

Mr. COPELAND. Mr. President, it is only proper, I am sure, that under the circumstances the Senator should have a chance to present the matter. I am sure he is unduly apprehensive about the situation. Crin vegetal is a very cheap product, which is used largely as a mattress filling by steamship lines and railroads. It does not displace moss and flax tow, the products in which the Senator from Louisiana is interested, because they have always sold at a higher price than crin vegetal. In other words, it was not the price of that product which interfered at all with the sale of these materials more suitable for upholstery, and so on.

The subject was discussed at considerable length in the Senate, and I am sure it is understood. The lower rate was overwhelmingly adopted, and yet, of course, I am happy the Senator is to have a vote upon his proposal. I should be sorry if his amendment should be adopted.

Mr. WALSH of Massachusetts. Mr. President, I have received an overwhelming number of protests against this duty from furniture manufacturers, upholstery manufacturers, and railroad companies. They seem to think it would be a very heavy burden upon them if this duty should be imposed. There is no duty that has been imposed in recent days that has brought so many protests as this one. The protestants claim that the commodity is not in competition with the commodity raised in Louisiana, and, furthermore, that it sells at a higher price.

Mr. BROUSSARD. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I do not care to prolong the discussion except to say that the protests have been very strong.

Mr. BROUSSARD. In 1919 $7,000 worth of this material was imported, and in 1928 $549,000 worth. Since 1925, 50 per cent of the people engaged in the business in my State have been thrown out of employment.

Mr. WALSH of Massachusetts. Is it true that the imported article sells for a higher price than the domestic article in which the Senator is so much interested?

Mr. BROUSSARD. I do not believe that is true. The article in which I am interested is still used for the best up-

holstering made. I do not think that is denied by anybody. It is a very cheap product. The ships use it for bedding the crew on the ship, and when they get back to Africa they just throw it overboard. They use it in order to keep their bedding free from pests. It is so cheap they can throw it overboard. I know it is a fact that in every port they have the habit of throwing it overboard. It is used as packing material, and is of no value at all.

Mr. WALSH of Massachusetts. Information comes to me that it is a noncompetitive raw material which can not be grown in the United States, that it does not compete with flax tow, that the present selling price is twice that of flax tow, that it does not compete with moss, that its selling price is one-half that of moss.

I ask that some of the protests I have received be printed in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

PARAGRAPH 1001.—REGARDING THE DUTY ON PALM LEAF FIBER (CRIN VEGETAL) AS RECOMMENDED AND PASSED BY THE SENATE ON FRIDAY, FEBRUARY 21, 1930

Palm fiber was on the free list until 1922, at which time there was a duty placed of three-fourths of a cent per pound. In the spring of 1929, after a lengthy discussion, the House of Representatives recommended that the duty be increased one-fourth of a cent per pound to 1 cent per pound. The Senate raised the question on that duty, and recommended a 4-cent duty, which, in the absence of a contrary brief, was accepted.

A duty of 4 cents per pound will eliminate the palm-fiber industry. Palm fiber is not in direct competition with any single American industry, although tow and moss are acceptable upholstering fillers in a higher and lower grade of furniture, respectively, than that in which palm fiber is used.

CONTRARY BRIEF

1. Noncompetitive raw material.

(a) Can not be grown in America (according to United States Department of Agriculture).

2. Noncompetitive finished product.

(a) Does not compete with flax tow. Its present selling price is twice that of flax tow.

(b) Does not compete with moss. Its present selling price of 5½ cents per pound is one-half that of moss.

REACTION TO INDUSTRY OF A 4-CENT DUTY ON PALM FIBER

1. A duty of 4 cents per pound on palm-leaf fiber will destroy the industry.

2. It will take away from the American Export Line, a Government-subsidized merchant marine, 12,000 tons per year.

3. It will create a loss in domestic freight of 675 cars per year inbound and 1,000 cars per year outbound.

4. It will create a demand for flax tow and moss far in excess of the supply. During the past five years, in spite of the fact that approximately 1,000 tons of palm fiber per month has been sold to the upholstered-furniture manufacturer, at times there has not been sufficient moss and tow to take care of the demand for these products.

5. It will create a shortage of upholstering fillers, which will necessarily materially increase the price of upholstered furniture.

6. It will create a premium in the cost of upholstered furniture, which must be borne by the actual consumer.

7. It will not increase the manufacturing profit on upholstered furniture.

8. It will place a burden on the furniture manufacturer which has not one single compensating advantage, and the expense of such burden must be borne by the consumer, and consumer only, because it is too great an increase to be absorbed by the manufacturer.

9. Upholstered furniture utilizing palm fiber as a filler is in the medium-priced class of furniture.

10. A 4 cents duty on palm fiber would be approximately 200 per cent of its c. i. f. value.

The foregoing brief is submitted by John B. Stevenson, 3d, 916 Commercial Trust Building, Philadelphia, on behalf of the following, representing a large majority of palm-fiber manufacturers:

Peter Woll & Sons Manufacturing Co., Philadelphia, Pa.; Benjamin Hardock (Inc.), Philadelphia, Pa.; Fowler Batting & Fiber Mills, Philadelphia, Pa.; Royal Textile Co., Boston, Mass.; New Orleans Pickery Co., New Orleans, La.; Emerson Steuben Mills, Brooklyn, N. Y.; Fiber Supply Corporation, Brooklyn, N. Y.; Massasoit Trading Co., Springfield, Mass.; A. Rickless Co., Chelsea, Mass.; also the National Association of Furniture Manufacturers; the Illinois Manufacturers' Association; Kroehler Manufacturing Co.; New England Upholstered Furniture Manufacturers' Association; and Upholstered Furniture Manufacturers' Association of Philadelphia.

BOSTON, MASS., *March 1, 1930.*

Hon. DAVID I. WALSH,

United States Senatorial Chamber, Washington, D. C.

DEAR SIR: Confirming telegram of February 28:

"Increase import duty on crin vegetal or African palm fiber from three-fourths to 4 cents per pound in Ransdell Senate resolution unreasonable and unnecessary penalization on necessary raw material for upholstery industry means unfair expense to public and industry without benefit to domestic raw material producers; request courtesy of hearing before final action."

We wish to express our opinion on this matter of tariff increase on African palm fiber. This African palm fiber is an important item in the manufacture of living-room furniture and is one of the big factors that has helped to bring comfortable living-room furniture into the homes of the average American family.

This palm fiber is used for a filling over the springs. It is resilient, long lasting, and clean. Does not breed moths and is very economical in its use.

Another filling used in upholstered furniture is Louisiana moss, which costs about five times as much as palm fiber. There is absolutely no competition of any kind with American industry by the product. The increase asked for in bill 1727 will make its use prohibited and will drive a very much needed product out of American industry. It will cause a loss of business and thereby add to the already too large unemployment list.

Please do your utmost to bring before the tariff Senate committee the importance of keeping noncompetitive materials of this nature from being barred in American industry.

Respectfully yours,

BAY STATE UPHOLSTERING CO.

LOWELL, MASS., *March 4, 1930.*

Hon. DAVID I. WALSH,

Washington, D. C.

DEAR SIR: We give below some very pertinent facts as to why we protest against the proposed increase of import duty on African palm fiber from three-fourths cent to four-tenths cent per pound:

Consumption of African palm fiber (crin vegetal) will run from 1,000 tons per month up. At times combined production of tow and moss is insufficient to replace the palm fiber needed for upholstery.

No real competition between tow and moss with African palm fiber.

Approximate costs of tow, palm fiber, and moss are, respectively, 2½ cents, 4 cents, and 12 cents per pound.

Net effect on 4-cent duty on palm fiber would not be to substitute either tow or moss for African palm fiber in the production of medium-priced furniture, but would be to materially increase cost of that furniture to the public without benefit to the domestic producers of raw materials.

African palm fiber has the advantage of being vermin free, which is not true of tow. A slight hay odor is sometimes urged as an objection against the palm fiber by sellers of other materials, but some of the largest producers of upholstered furniture do not experience difficulty on this score.

African palm fiber is a basic filler not conflicting with either tow or moss, and is an important raw material in production of medium-priced furniture. If the duty were raised high enough to prevent its importation, the producer of medium-priced upholstered furniture would be in a quandary to find a sufficient supply of an acceptable substitute.

At detailed hearing some months ago all facts were brought out with resulting agreement to raise the duty to 1 cent per pound. With this agreement in mind a number of furniture manufacturers distributed to their dealers prices based on a 1-cent duty. Large volume of orders placed on this basis, also retail resale prices advertised. To increase duty above 1 cent would work real hardship on people who have been committed on basis of the 1-cent duty.

Request that amendment be passed placing the duty at figure previously agreed upon, namely, 1 cent per pound.

At least two manufacturers of moss have stated that moss does not need the protection of a high duty on African palm fiber or crin vegetal.

Very truly yours,

IMPERIAL UPHOLSTERING CO.,
By HARRY FOX, *Treasurer.*

GARDNER, MASS., *March 3, 1930.*

Hon. DAVID I. WALSH,

United States Senate, Washington, D. C.

HONORABLE DEAR SIR: We understand that there is a clause in the tariff proposals to increase duty on African palm fiber, otherwise known as "crin vegetal," from three-fourth cent to 4 cents per pound. We wish to register our opinion as being very much in disfavor of such a duty being applied to African palm fiber. We feel the original agreement arrived at some months ago to raise the duty to 1 cent per pound was very fair, and we request that you extend every effort to have the duty placed on African palm fiber not in excess of 1 cent per pound.

We understand that duties are placed upon materials to protect merchandise produced in our own country. There is no real competition between African palm fiber, which is imported, and tow and moss, which are grown in this country. The approximate cost of tow is 2½ cents per pound, African palm fiber 4 cents per pound, and of moss 12 cents per pound. The effect of a 4-cent duty on palm fiber would not be to substitute either tow or moss in the producing of medium-priced furniture but would be to materially increase the cost of furniture to the public without benefit to the domestic producer of the raw materials.

African palm fiber has the advantage of being vermin free, which is not true of tow. A slight hay odor is sometimes urged as an objection against the palm fiber against the other materials, but some of the largest manufacturers of upholstered furniture do not experience this difficulty.

African palm fiber is a basic filler and does not conflict with either tow or moss. It is an important raw material in the production of medium-priced furniture.

If the duty is raised high enough to prevent its importation, the producer of medium-priced furniture would find it difficult to find a sufficient supply of an acceptable substitute. Even under present conditions there are times when it is almost impossible to obtain moss, and if the duty on fiber is increased with the idea of substituting moss in its place, the only effect we can see is that there will be a shortage of moss and necessarily a large increase in price due to this shortage, and thereby a hardship will be created upon the purchaser of the finished article and no direct benefit will have been derived.

We sincerely hope you will extend every effort to defeat this item when it comes up for your consideration.

Respectfully yours,

GARDNER UPHOLTERED FURNITURE CO. (INC.),
JAMES H. NOONAN, *Treasurer.*

BOSTON, MASS., *March 13, 1930.*

Hon. DAVID I. WALSH,
Washington, D. C.

DEAR SIR: I understand from the North Shore Fibre Co., Boston, that a bill has passed the House increasing duty on import African fiber from one-quarter of a cent to 4 cents per pound, and that if this bill is passed by the Senate, and becomes a law, it will doubtless put them out of business.

Anything you can consistently do to assist them will be appreciated. I am interested in keeping this firm in business in New England.

Very truly yours,

C. J. COOK,
230 South Street, Jamaica Plain, Mass.

BOSTON & MAINE RAILROAD,
Boston, Mass., March 4, 1930.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SENATOR WALSH: We have an industry located on our line at Boston, engaged in the manufacture of upholstery fillings, from which the railroad receives a substantial amount of business during the course of a year. This industry is a large user of African palm fiber (crin vegetal), which is imported. We have been informed that there is a bill before the Senate which provides for an increase in the duty on this raw material from three-quarters of a cent per pound to 4 cents per pound, and it is represented to us by the industry concerned that if the higher rate is imposed it will cause a practical suspension of their business, with consequent loss of tonnage to the Boston & Maine Railroad.

While I appreciate the difficulties involved, I am taking the liberty of calling your attention to this situation for whatever action you may be able to take looking to the retention of this industry to New England.

Yours sincerely,

J. W. HAWKES, *Vice President.*

BOSTON, MASS., *February 26, 1930.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.:

Am vitally interested in bill to be presented to Senate increasing import duty on palm-leaf fiber (crin vegetal) from three-quarters of a cent per pound to 4 cents per pound as in the event this bill is passed we will lose a large amount of revenue that we are now enjoying because of the freight shipments which are in large volume. Please do everything in your power to prevent passage of this increase in duty as it means that this business will be entirely eliminated if increase goes into effect.

F. L. GAFFNEY,
City Freight Agent C. B. & Q. R. R. Boston.

LOWELL, MASS., *March 1, 1930.*

Hon. DAVID I. WALSH,
Washington, D. C.:

Increase import duty on crin vegetal or African palm fiber from three-quarters to 4 cents per pound in Ransdell Senate resolution unreasonable and unnecessary penalization on necessary raw materials for upholstering industry. Means unfair expense to public and industries without benefit to domestic raw material. Producers request courtesy of hearing before final action.

IMPERIAL UPHOLSTERING CO.

BOSTON, MASS., *February 26, 1930.*

Hon. DAVID I. WALSH,
Care United States Senate:

We are vitally interested in bill to be presented to the Senate increasing import duty on palm-leaf fiber (crin vegetal) from three-quarters of a cent per pound to 4 cents per pound, as in the event this bill is passed it will mean a considerable increase in cost of our products that must be passed on to the consumer. Every member of our organization, which includes all New England manufacturers of upholstered furniture, are using this product. Please do everything in your power to prevent passage of this increase.

NEW ENGLAND UPHOLSTERERS FURNITURE MANUFACTURING ASSOCIATION,
SAM ROSENBERG, *Secretary,*
73 Tremont Street, Boston.

The VICE PRESIDENT. The question is on agreeing to the amendment.

On a division, the amendment was rejected.

Mr. GEORGE. Mr. President, I would like to have the attention of the Senator from Utah. I merely wish to make a correction in the text, and I hope the Senator from Utah will agree to it. In paragraph 1009 certain words in parenthesis were left in the text in line 13, as follows: "(except such as are commonly used as paddings or interlinings in clothing)." Subsequently subsection (b) was stricken out, which referred to these linings or paddings, so the language included in the parenthesis in paragraph 1009 ought to come out. It is simply to clarify the language.

Mr. SHEPPARD. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SHEPPARD. Has the Chair announced that Schedule 10 is now before the Senate?

The VICE PRESIDENT. It is before the Senate.

Mr. SMOOT. Will the Senator from Georgia state his request again?

Mr. GEORGE. The Senator will recall that subparagraph (b) was stricken out and that the language included in the parentheses in subparagraph (a) of paragraph 1009, "(except such as are commonly used as paddings or interlinings in clothing)" refers, of course, to the paddings described in subparagraph (b). I merely suggest that it ought to be stricken out.

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. COPELAND. Did the Chair state that the preceding schedule, Schedule 9, was closed?

The VICE PRESIDENT. The Chair so announced. The Chair asked several times if there were further amendments, and no amendments were proposed.

Mr. COPELAND. I did not understand the Chair.

Mr. GEORGE. As I understand it, if that language is not stricken out it will have the effect of throwing those paddings in the basket clause, and that was not the intention.

Mr. SMOOT. No; that was not the intention.

Mr. GEORGE. They were thrown under subparagraph (b), but that subparagraph has been taken out altogether. I think I would suggest to the Senator that the language to which I have called his attention be taken out.

Mr. SMOOT. I move that the words "(except such as are commonly used as paddings or interlinings in clothing)" be stricken out.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 164, lines 13 and 14, strike out "(except such as are commonly used as paddings or interlinings in clothing)."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HARRIS. Mr. President, I offer the following amendments.

The VICE PRESIDENT. The clerk will report the amendments.

The CHIEF CLERK. On page 160——

The VICE PRESIDENT. Does the Senator desire to start with his amendment on page 160?

Mr. HARRIS. I ask unanimous consent that we may begin with line 1 of my amendments, page 1, and consider them all at one time. Most of the amendments relate to Schedule 10, but I would like to have the first seven lines on page 1 of my

amendment considered in connection with them, if there is no objection.

The VICE PRESIDENT. The first amendments are not in order at this time, and will not be until the free list is reached.

Mr. HARRISON. Could it not be done by unanimous consent?

Mr. SMOOT. Oh, no.

Mr. HARRIS. I ask, then, to begin with line 7, which relates to Schedule 10.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 160, line 20, in Schedule 10——

Mr. SMOOT. Mr. President, I have had several notices given that if any unanimous-consent request was made affecting a paragraph which was not immediately before the Senate there should be a quorum call before the request was granted. I hope the Senator will not insist upon his request at this time.

Mr. HARRIS. I can not see any objection to it.

Mr. SMOOT. Nor can I see any objection to it, but I have been asked to do that and I will have to do it.

Mr. HARRIS. Would the Senator object to considering them all together?

Mr. SMOOT. I must object to the Senator's request or else call for a quorum.

Mr. HARRIS. Then I ask the clerk to begin reading in line 7, page 1, of my amendments.

The VICE PRESIDENT. The amendments will be read as requested.

The CHIEF CLERK. On page 160, line 20, in Schedule 10, flax, hemp, and jute, and manufactures of, at the end of paragraph 1001, after the words "hackled hemp, 3½ cents per pound," insert a semicolon in lieu of the period and add the following: "waste bagging and waste sugar-sack cloth, 3 cents per pound; jute and jute butts not dressed or manufactured in any manner, and not specially provided for, 3 cents per pound."

On page 160, line 24, in the same schedule, in paragraph 1003, strike out all after the words "Coarser in size than 20-pound" and insert in lieu thereof the following: "5½ cents per pound; 20-pound up to but not including 10-pound, 7 cents per pound; 10-pound up to but not including 5-pound, 8½ cents per pound; 5-pound and finer, 10 cents per pound, but not more than 65 per cent ad valorem; jute sliver, 4½ cents per pound; twist, twine, and cordage, composed of two or more jute yarns or rovings twisted together, the size of the single yarn or roving of which is coarser than 20-pound, 6½ cents per pound; 20-pound up to but not including 10-pound, 8 cents per pound; 10-pound up to but not including 5-pound, 9½ cents per pound; 5-pound and finer, 11 cents per pound; and in addition thereto on any of the foregoing twist, twine, and cordage when bleached, dyed, or otherwise treated, 2 cents per pound."

On page 164, line 4, in the same schedule, in paragraph 1008, wherever the words "1 cent" appear, strike out the same and insert in lieu thereof "10 cents," so that the paragraph will read: "Woven fabrics, wholly of jute, not specially provided for, not bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable, 10 cents per pound; bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable, 10 cents per pound and 10 per cent ad valorem."

On page 167, line 14, in the same schedule, in paragraph 1018, wherever the words "1 cent" appear, strike out same and insert in lieu thereof "10 cents," so that the paragraph will read:

Par. 1018. Bags or sacks made from plain woven fabrics of single jute yarns or from twilled or other fabrics wholly of jute, not bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable, 10 cents per pound and 10 per cent ad valorem; bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable, 10 cents per pound and 15 per cent ad valorem.

On page 167, line 21, in the same schedule, in paragraph 1019, after the words "weighing not less than 15 ounces nor more than 32 ounces per square yard," strike out the words "six-tenths of 1 cent" and insert in lieu thereof the words "5 cents"; and in the same paragraph, after the words "weighing more than 32 ounces per square yard," strike out the words "three-tenths of 1 cent" and insert in lieu thereof "5 cents."

The VICE PRESIDENT. Is there objection to considering the amendments en bloc?

Mr. FESS. I think I ought to object.

The VICE PRESIDENT. They all refer to the same subject matter.

Mr. FESS. I can not see how it would be in order.

The VICE PRESIDENT. The amendments are in order.

Mr. HEFLIN. We will save a good deal of time by letting the Senate consider them together.

Mr. SMOOT. I think that, perhaps, I had better say to the Senate just what this means. In the first place, the first amendment——

Mr. HARRIS. I would like to make a statement about the amendments first.

The VICE PRESIDENT. Is there objection to considering the amendments en bloc? The Chair hears none, and it is so ordered. The Senator from Georgia is recognized.

Mr. HARRIS. Mr. President, the textile industry, including the producing and manufacturing of cotton, gives employment to more people than any other industry in our country. Everyone knows the terrible condition the cotton growers have been in for several years. The price of cotton has been below the cost of production, and certainly the growers and manufacturers deserve and are entitled to every consideration that is shown any other industry in this tariff bill. Not only the cotton growers but the cotton manufacturers have been in financial distress, particularly the New England cotton mills. Several million spindles have been idle, most of them in the New England States.

The covering for all the cotton raised is jute bagging. The covering for fertilizer, wheat, oats, and other products the farmers use is made of jute and is manufactured in India by pauper labor where the men who raise the jute receive 16 cents per day, and the women about half that amount. In 1892 there was a total import of jute and jute products into the United States of 260,000,000 pounds, but in the past three years it has averaged over 900,000,000 pounds.

If cotton were used instead of jute for covering and other things it would require 785,000 acres to produce this amount, which is a larger area than the State of Rhode Island. If we substitute cotton bagging, wrappings, and so forth, for that made of jute and burlap it would give employment to about 270,000 people, which, counting their families, is more than the total population in Arizona, Nevada, and Idaho. If we place a prohibitive duty, as provided under my amendment to this bill, it would give employment to that number of people in the cotton producing and manufacturing States. Anything less than a duty that would prohibit the importation of jute and burlap would be an additional tax burden, and, of course, I would oppose that; but if we put the duty high enough as provided in my bill it would enable the cotton farmers to sell their low-grade cotton for bagging, wrapping, and other uses which are made of jute. It would mean additional uses for more than a million bales of cotton, and the passage of this amendment at this time would increase the price of cotton several cents per pound. We certainly should reserve the markets of the United States for our own producers. The mill machinery has been moved from our country to India.

Mr. President, for several years I have secured appropriations to be used by the agricultural and commerce department to find additional uses for cotton and cotton goods, and they have found uses for tens of thousands more bales of cotton, but there is still a surplus. If Congress would pass my amendment and shut out jute and burlap from coming into this country it would mean the use of at least a million bales of cotton of the lower grades to take the place of wrappings, bags, and so forth.

Let me say to my western and eastern friends in the Senate that you are taking a selfish view when you oppose this amendment. The very goods we buy from the farmers of the West and the manufacturers of the East are covered by jute and other products made by pauper labor of India. You are asking duty on many things, but you oppose a duty on the products of the southern cotton growers. Just think of the cotton producers in the South picking cotton all day for 16 cents, which they pay in India.

Mr. President, I supported the duty on long-staple cotton produced in the Southwest, and this amendment was opposed by a good majority. I also supported an amendment to put a duty on short-staple cotton raised in the South, but I regret exceedingly that the Senate voted this down, and showed a preference for one section of the country over another. The cotton producers in the South are certainly entitled to any privileges given the cotton growers of any other section of the country.

The Senate has also voted down the amendment to tax vegetable oils coming from the Philippine Islands and elsewhere, which comes in competition with the peanut, cottonseed and other vegetable oils produced in the South.

Why discriminate against the southern cotton grower who, through no fault of his own, has suffered more financially than any other farmer of this country?

I ask to have printed at the end of my remarks telegrams from the commissioners of agriculture in all the cotton-growing States, showing that all of the commissioners favor my amendment.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

ATLANTA, GA., *February 25, 1930.*

Hon. WILLIAM J. HARRIS,

United States Senate, Washington, D. C.:

Your wire. One hundred per cent cotton farmers in Georgia favor tariff of at least 7 cents on jute. Seems to me the Federal Farm Board would certainly indorse this duty rather than advise reduction of cotton acreage. Seven-cent tariff rate on jute will give added consumption in America for 2,000,000 bales American cotton.

EUGENE TALMADGE, *Commissioner.*

JACKSON, MISS., *March 4, 1930.*

Senator HARRIS,

United States Senate, Washington, D. C.:

Let me urge a sufficient duty on jute to make importation almost impossible. A million or more bales of low-grade cotton will be consumed in sacks and wrappings. Southern cotton farms are facing a crisis, confronted with present surplus and threatened overproduction this season.

J. C. HOLTON,
Commissioner of Agriculture.

NASHVILLE, TENN., *March 3, 1930.*

Hon. WILLIAM J. HARRIS:

Favor 7 cents duty on jute.

W. J. FITTS,
Commissioner of Agriculture.

BATON ROUGE, LA., *February 28, 1930.*

Hon. WILLIAM J. HARRIS,

United States Senate, Washington, D. C.:

I am informed that cotton exported from the United States is about the same as 20 years ago. The importation of jute and its products over same period have increased over 100 per cent. You are well aware of the fact that jute is the only real competitor of our money crop—cotton. I can not understand why our southern Members of Congress do not get together and insist on a real heavy duty on jute, its products, and foreign cotton. I favor even more than 7 cents duty. Acreage reduction will control and reduce American crop. The only way to reduce or hold in check our real trouble is high duty on our competitor—jute and its products. Letter follows.

HARRY D. WILSON,
Commissioner of Agriculture.

MONTGOMERY, ALA., *March 5, 1930.*

Senator W. J. HARRIS,

Senate Office Building:

We favor duty on jute sufficiently high to be absolute embargo. Doubt seriously if 10 per cent would amount to an embargo. Unless prohibitive duty is levied jute should be on free list.

SETH P. STORRS,
Commissioner Agriculture and Industries, State of Alabama.

AUSTIN, TEX., *March 5, 1930.*

W. J. HARRIS,

United States Senate, Washington, D. C.:

Favor embargo on jute if cotton is sold on net weight, otherwise farmers would lose. Impossible to use 1,000,000 bales in cotton bagging if embargo is placed upon jute. It should be placed on burlap and all material used in making bags and force the use of cotton bags.

GEO. B. TERRELL.

LITTLE ROCK, ARK., *March 5, 1930.*

Senator WILLIAM J. HARRIS,

United States Senate, Washington, D. C.:

Certainly appreciate your attitude and activity in behalf of the cotton producers of the South and hope you will be successful in placing a duty of 10 per cent on jute, jute cloth, and bagging. Duty on jute alone will be of little value. Manufacturers are dismantling their machinery in this country and moving to India to manufacture raw materials into cloth and bagging. To be effective, duty should be on manufactured products as well as jute. Hope you will do your best to protect the interests of the cotton producers of the South.

EARL PAGE,
Commissioner of Agriculture.

TALLAHASSEE, FLA., *March 5, 1930.*

Hon. WILLIAM J. HARRIS,

Senate Office Building, Washington, D. C.:

Favor tariff on jute from all countries taxable by tariff under the Constitution.

NATHAN MAYO,
Commissioner of Agriculture.

OKLAHOMA CITY, OKLA., *March 5, 1930.*

Senator WILLIAM J. HARRIS:

Am in favor of duty on jute, which will mean the using of low-grade cotton for wrapping. Have wired PINE and THOMAS.

HARRY B. CORDELL,
President State Board of Agriculture.

Mr. WALSH of Montana. Mr. President, this duty is not asked for the protection of the industry producing the product because there is no hemp produced in this country. It is for the purpose of promoting the use of cotton for bagging purposes in lieu of jute. Of course the jute bagging and the bags produced from jute can be bought very much more cheaply than the cotton or the cotton bags. The principle is not unlike the proposal to put a duty on bananas so as to induce a greater consumption of apples.

Mr. SMOOT. It is just the same.

Mr. WALSH of Montana. The proposal is very vigorously protested by the farmers of my State and I think generally in the West, particularly by the growers of potatoes who ship their product in jute bags; likewise the producers of wool, who ship their product in jute bags. The cost of these bags in the aggregate is very considerable. Not only that, but many other products of the farm are shipped in jute bags. This might result in some little benefit to the growers of cotton, but whatever benefit would accrue to them would just be taken out of the other classes of farmers who are obliged to use the jute bagging.

Mr. JONES. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Montana yield to the Senator from Washington?

Mr. WALSH of Montana. I yield.

Mr. JONES. Washington is quite a large wheat-producing State, and I think most of our wheat is transported in jute bags.

Mr. WALSH of Montana. This bagging is used very largely in the shipment of practically every product of the farm, and the adoption of the amendment would add very considerably to the very heavy burden which the farmers of the Northwest are now obliged to bear.

Mr. SMOOT. Mr. President, I ask unanimous consent that we vote on all these amendments en bloc.

The PRESIDING OFFICER. That has already been agreed to.

Mr. SMOOT. Very well.

Mr. HARRIS. Mr. President, will the Senator from Utah please add page 36 and ask that all the amendments there also be voted on en bloc?

Mr. SMOOT. I desire that that shall be done.

The PRESIDING OFFICER. That has already been agreed to.

Mr. SMOOT. I wish to call attention to the fact that the amendment of the Senator from Georgia with reference to "waste bagging and waste sugar-sack cloth, 3 cents per pound; jute and jute butts, not dressed or manufactured in any manner and not specially provided for, 3 cents per pound," means an increase of 136.8 per cent. Taking the whole block of amendments, it means that whereas under the rates now adopted the average rate will be 7.8 per cent; if this block of amendments shall be agreed to the average rate will be 75.7; that is all.

Mr. HAWES. Mr. President, I can understand why the distinguished Senator from Georgia has offered this amendment. He probably believes that if jute can be excluded from use in the United States farmers and others may be persuaded to substitute cotton bagging for jute bagging.

Mr. HARRIS. Mr. President, will the Senator from Missouri pardon an interruption?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. HAWES. I yield.

Mr. HARRIS. Should my amendment be adopted, it would mean that a million bales of cotton would be used for bagging and for other wrapping purposes. Of course that would increase the price and demand for cotton and cotton goods.

Mr. HAWES. The Senator from Georgia has a very worthy object; he diligently protects the welfare of his State; no man is more earnest about the protection of his State than is the Senator from Georgia; but at the present time, Mr. President, mill feed is carried in 175,000,000 jute bags; 75,000,000 bags are in use in transporting fertilizer; 40,000,000 bags are used in the marketing of wheat; 36,000,000 bags are used in exporting flour; 25,000,000 bags are used for dairy feeds; 25,000,000 bags are used for potatoes; 59,000,000 bags are used for certain kinds of vegetables. The grocery trade alone uses 40,000,000 jute bags. Upholstering and general domestic uses require 75,000,000 bags. The total of burlap and bags used in America is 640,000,000.

A distinguished committee from the University of Wisconsin has investigated this subject. They believe, of course, as the figures show, that the burden will fall upon the farmer. It is at most an experiment. We raise no jute in America. It is the cheapest bagging material which has been discovered by man.

It is the kind of bag and kind of covering that the farmers of America are accustomed to use. To put a duty upon it would be to put a penalty upon all forms of agriculture in the midst of farm depression and industrial depression and unemployment. The distinguished Senator from Georgia may be right; I do not think he is right; but the most that can be said in favor of this proposed exorbitant duty on jute is that it is an untried experiment.

I hope these amendments will be defeated; but, Mr. President, as the matter may come up in conference, I ask unanimous consent to insert in the RECORD a brief relating to the subject, and some memoranda, in order that the conferees may have them before them in case the subject shall again come up.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

THE TRUTH ABOUT JUTE

FOREWORD

Farm relief in the United States presents a problem that engages the attention of those who believe in fair play for all communities. The need for a just solution is evident, but some of the proposals put forward actually work to the farmer's detriment because they neglect, ignore, or misrepresent the ultimate effect of their policies.

One such proposal, dealing with a great agricultural commodity—cotton—has recently received wide publicity. On the surface it might seem to offer relief from the effect of an oversupply of low-grade cotton and at the same time give promise of a greater use of that fiber. In effect, however, it would place additional burdens on farmers in general, cripple an old, efficient, and well-established industry in this country, and finally open up a strong possibility of interference with our greatest export—cotton itself.

THE PROPOSAL

The proposal in question, which has been set out specifically in a pamphlet entitled "The Rising Tide of Jute," prepared by Mr. Leavelle McCampbell, is that heavy duties—prohibitively heavy duties—shall be assessed on jute and all its products on their entry into this country. Briefly stated, the proposal is that jute, now on the free list, be assessed 3 cents per pound; that the existing duties on jute yarns be increased by 3 cents per pound; that the existing duty of six-tenths of a cent per square yard on bagging (equivalent to ¾ cent per running yard, 45 inches wide) be increased to 4½ cents per pound, or 9 cents per running yard; and, finally, that the duty on burlap, which is now 1 cent per pound, be increased on the great bulk of the imports to 10½ cents per pound.

This proposal was argued before the Ways and Means Committee of the House of Representatives on February 4, 1929. It is claimed for it that the enactment of the duties suggested would result in an immediate demand annually for 1,000,000 bales of cotton and for the consequent cultivation of 3,000,000 acres of land. The direct cost of this desirable result is not computed by the proponents. As we propose to show, however, in actual fact the measures advocated could not possibly increase the demand for cotton by more than 400,000 bales, which might bring about $36,000,000 to the cotton growers. The additional cost to the whole community, however, will be about $65,000,000, and of this burden, $42,000,000 will fall squarely on the agriculturists' shoulders. Instead of accepting cotton cloth as an expensive and inefficient substitute for burlaps and bagging, American farmers will be better advised to buy the 400,000 bales of cotton and to burn them up.

JUTE—ITS PRODUCTS AND THEIR USES

Jute is a commodity of which too little is known in this country in spite of its manifest importance. It is a bast fiber extracted from a plant which grows only in one restricted area in India. For 75 years, ever since jute came into common use, its principal function has been the covering of the world's agricultural produce, and it continues to perform this function everywhere to-day because it is the world's cheapest and most efficient wrapping material.

The United States is no exception to this rule. About 900,000,000 pounds of jute, in various forms from the raw material to the woven fabrics, are imported into the United States each year. Of this total, 60 per cent, or 540,000,000 pounds, is purchased directly by the farmers of this country. It goes to them either in the form of fertilizer, feed, and binder twine bags, or as bags and bagging in which to ship their products—wheat, wool, flour, corn, bran, oats, peanuts, sugar, vegetables, nursery stock, and cotton. The remaining 40 per cent is taken by wholesale grocers, textile and carpet manufacturers, upholsterers, the electrical trade, and the multitude of users of twine.

THE PROPOSED DUTIES WILL NOT STIMULATE JUTE GROWING IN THE UNITED STATES

The proposals which have been argued before the Ways and Means Committee do not in themselves embody an embargo on jute and all its manufactures. By placing a heavy duty on the raw material and further duties carefully graded upwards on its various products, they suggest that the result of their enactment will be to transfer the growth and manufacture of this useful commodity to the United States, giving the hard-pressed farmer another crop and the manufacturer another source of supply.

This idea is entirely fallacious. Jute is not grown and can not be grown commercially in the United States. The four major conditions for the proper growth of jute are not found together in any section of this country on a scale large enough to justify a commercial attempt to produce the fiber.

To grow jute successfully there are required, first, a rich alluvial soil; second, a subtropical climate; third, excessive rain during the growing period; and fourth, a large number of pools of stagnant, tepid water immediately adjacent to the place of cultivation for the purpose of retting (rotting) the plant to separate the fiber from the stalk. These requirements are found in Bengal alone. There, during the growing period, the average temperature is 95°. When the monsoon winds begin to blow there is a heavy precipitation during this growing period, which floods vast areas of the Bengal Plain. By the time the crop is ready for harvesting the land is largely covered with water, and the crop can be retted near the spot where it has been grown. Since the plant contains six times the weight of its fiber yield, this is essential. The cost of transporting the crop long distances for retting would be prohibitive.

The plain fact is, therefore, that no tariff upon raw jute—even a duty of three times the 3 cents per pound which has been advocated—will have the slightest tendency to bring about the cultivation of jute in this country. Not an acre of land in the United States will be used for this purpose. Not a single farmer will raise a single pound of it, no matter what duty is imposed. He can not do it, because nature has denied him the necessary conditions.

WHO GAINS THE ADVANTAGE?

Who benefits if a heavy tax is put on the cheap wrapping materials at present used in agriculture? Those, clearly, who expect to supply something more expensive in their stead, for wrapping materials in some form or other are indispensable. This points to one element in the community and one alone—those interested in cotton, and particularly in low-grade cotton; for this is the only material which can possibly replace jute for agricultural wrappers and bags of all kinds.

In fact, the proponents of this measure do not endeavor to conceal the fact that this substitution is the real object of their efforts. To effect it, they bring forward many arguments which we propose to deal with in order.

JUTE IS ACTUALLY A CHEAP FIBER

First they state that jute is not really a low-cost fiber, but that it owes its cheapness to the fact that it is produced by the "pauper labor" of India. This is not so. It is entirely incorrect to say that jute would cost as much as cotton if produced under the same wage scales. The proof is simple. India, which grows jute, also grows cotton—approximately 5,000,000 bales annually. The average quality of this cotton is at the present time equal to that of an inferior grade of American cotton, but the cost of this relatively inferior Indian cotton, grown in the same country and with the same type of labor as jute, is twice the cost of jute.

Jute is, then, a fiber which even under similar conditions can be produced at a lower cost than cotton. When the natural advantages of a commodity enable it to be produced at a much lower cost with consequent benefit to the world as a whole there is a justification for that commodity's existence. To suppress it for the benefit of another not so well endowed always results in a loss, which falls most heavily on those who used the first commodity most. If this suppression is applied to jute these sufferers will be the agriculturists of the United States.

JUTE IS NOT A SERIOUS COMPETITOR OF COTTON

Secondly, the advocates of this measure aver that the jute imported into the United States is a serious competitor of American cotton. They paint a gloomy picture of the effect of what they term "the rising tide" on the whole American cotton industry. We shall reduce this argument to its proper proportions.

From 1905 to 1927 the increase in the imports into this country of jute and jute products was 57 per cent, using the proponents' own figures. In the same period the domestic consumption of raw cotton increased by 68 per cent, while the exports of cotton manufactures from this country increased by 168 per cent in value. Finally, at the present time the imports of jute and jute products amount to only one-eighth of the raw cotton production of this country.

The rising tide of jute, in fact, has only risen as fast and as far as the agricultural demand has made it, and the growth of these imports has not been as great as that of the industry with which they are alleged to compete and whose interests are said to have been adversely affected by them.

Here are the figures:

TABLE 1

	1905	1927
Total imports into United States:[1]		
Jute and jute manufactures (1,000 pounds)	572, 205 (100)	897, 883 (157)
Cotton consumed by United States mills (1,000 pounds)[2]	2, 139, 490 (100)	3, 594, 793 (168)
Exports of cotton manufactures from United States [1]	$49, 666, 000 (100)	$133, 059, 000 (268)

[1] Figures submitted by Mr. L. McCampbell.
[2] Figures from National Association of Cotton Manufacturers' Year Book.

TABLE 2

In the five years 1923–1927 jute and jute products have been imported into the United States in the following amounts and forms:

Year	Jute and jute butts	Jute yarns	Jute bagging	Jute burlap and cloth	Jute bags and sacks	Total
	Pounds	*Pounds*	*Pounds*	*Pounds*	*Pounds*	*Pounds*
1923	188, 112, 960	8, 535, 236	43, 907, 135	601, 987, 594	35, 092, 655	877, 636, 580
1924	152, 104, 760	4, 703, 970	64, 580, 227	512, 032, 745	31, 532, 358	764, 959, 060
1925	144, 482, 240	1, 237, 102	65, 898, 339	623, 407, 415	46, 891, 165	881, 916, 261
1926	154, 029, 120	1, 807, 141	97, 167, 066	600, 564, 344	41, 638, 529	895, 206, 100
1927	207, 017, 600	2, 980, 842	87, 317, 216	571, 055, 846	37, 485, 815	905, 857, 319
Total for 5 years						4, 325, 575, 320

TABLE 3

In the same period the United States production and domestic consumption of cotton have been as follows:

[Figures from National Association of Cotton Manufacturers' Year Book]

	Raw cotton production	Domestic consumption
	Pounds	*Pounds*
1923	5, 404, 000, 000	3, 333, 000, 000
1924	7, 244, 000, 000	2, 840, 500, 000
1925	8, 609, 000, 000	3, 046, 500, 000
1926	9, 568, 500, 000	3, 228, 000, 000
1927	6, 477, 500, 000	3, 595, 000, 000
Total for 5 years	37, 303, 000, 000	16, 043, 000, 000

From these figures (Tables 2 and 3) it is seen that the total imports of jute and its products in the 5-year period 1923–1927 were 11.6 per cent of the raw-cotton production of the United States and were 27 per cent of the domestic consumption. In 1905 the corresponding figures were 10.6 per cent and 26.7 per cent, respectively. In 20 years the relative positions of cotton and jute have been practically unchanged.

JUTE IS NOT A SUBSTITUTE FOR COTTON

The proponents, having come out definitely in favor of the substitution of cotton for jute, build up a rosy picture of the effect of their measure based entirely on the idea that practically all of the jute now entering the country would be replaced by an equivalent quantity of cotton. They pay particular attention to burlap and bagging in their argument, neglecting other important jute products in a way which indicates that they are entirely unaware of their functions or even of their existence. We shall demonstrate that by no means all the jute entering the country would be replaced by cotton and that some of it would not be replaced at all. We shall analyze the uses of jute in the United States and show what would happen if these duties were enacted.

Nearly all the jute imported into the United States is used in three general forms:

	Per cent
1. As yarn and twine	23
2. As bagging for raw cotton	10
3. As burlap bags and sacks, a small quantity as burlap wrapping not in the form of bags, and as linoleum backing	67

We shall consider the possibility of substituting cotton for each of these forms of jute products, the cost of any substitution that can be made and by whom this cost will be borne, and the effect of this substitution upon the production and use of American cotton.

1. Jute yarns and twines

All the long jute imported into the United States is manufuactured here into yarns and twines. The jute butts are used in about equal quantities in making coarse twines, in making paper, and in mixing with old bagging to make rewoven bagging for covering raw cotton.

Each year approximately 191,000,000 pounds of jute are imported into the United States and made into yarn and twine. To this must be added an average of 4,000,000 pounds of yarn imported. This amount of yarn and twine is consumed as follows:

Amount	Uses
80, 000, 000 pounds jute yarns	Consumed in the carpet industry.
100, 000, 000 pounds jute twines	Consumed for tying packages.
5, 000, 000 pounds jute yarn	Consumed by electric cable industry as filler for cable.
10, 000, 000 pounds jute fiber	Consumed as packing for water pipes.
195, 000, 000 pounds.	

Cotton would not be substituted for jute carpet yarns: Jute carpet yarns are used instead of cotton because they do not stretch or shrink, and also because they take and hold starch much better than cotton does. As a result, a carpet backed with jute will hold its shape and remain stiff and flat on the floor. Furthermore, jute carpet yarns are now selling for 15 cents a pound. A duty of 3 cents a pound on jute would raise the price to 18½ cents a pound. Cotton yarns of the size which would have to be used—if any could be used—are now selling at 30 cents a pound. Obviously there would be no substitution of cotton here.

Sisal and henequen and not cotton would be substituted for jute twines: A duty of 3 cents a pound on jute would put the American jute-twine industry out of business. But that business would not go to cotton. Already fine twines are almost entirely made of cotton. But for coarse, strong twines the cost which comes with the added weight makes cotton prohibitive in price.

If jute were eliminated the coarse twines would be made of the hard and semihard fibers, sisal and henequen with some manila and istle. These fibers now come in free (the first two from Mexico, East Africa, the Bahamas, and Java) under Schedule 15, paragraph 1582—the same paragraph under which jute comes in free. And it is safe to say that they will remain on the free list because they are the fibers from which binder twine is made and no cotton spinner dares to attack them.

It is quite clear then that a duty on jute will not lead to the use of a single additional bale of cotton for twine.

Cotton would not be substituted for jute as filler for electric cables or as packing for water pipes. A duty of 3 cents a pound on raw jute would not lead to the use of cotton in the place of a single pound of the 5,000,000 pounds of jute yarns now used as filler for electric cable or the 10,000,000 pounds of jute fiber now used as packing for water pipes.

Cotton is not suitable as a filler for electric cables because it is neither as durable as jute nor is it a satisfactory matrix for waterproof compounds. In other words, it has not the quality which jute has of absorbing asphaltic material. The cost of the filler in electric cables is relatively so small that the additional tax of $150,000 which the 3-cent duty on raw jute would entail would not lead to the substitution of another fiber.

Probably the same thing is true of the 10,000,000 pounds of raw jute fiber used as packing for water pipes, etc. Certainly cotton, which is poorly adapted to absorbing and holding the tar products used in calking water pipes, would not be used. There might, however, be a considerable substitution of sisal and the hard fibers, which are already used to some extent for this purpose.

It is, therefore, a fact that a tax of 3 cents on raw jute would not result in the substitution of a single pound of cotton for the jute now imported in the form of raw jute and jute yarns. Sisal and the hard fibers alone would be substituted for about one-half of it. The cost of such a tariff—which would benefit no one—to the users of jute yarn and twines would be approximately $6,000,000.

2. Jute bagging for covering raw cotton

In 1926, according to a report of the Secretary of Agriculture, the cotton crop was covered with the following materials:

	Running yards
New 2-pound jute bagging	62, 288, 000
Sugar-bag cloth	24, 001, 420
Secondhand bagging	6, 156, 896
Rewoven bagging	13, 239, 653
Total	105, 685, 969

Approximately 6 running yards of bagging, 45 inches wide, are used on a bale.

In the season just past these types of bagging sold for the following prices:

	Cents per linear yard
New 2-pound jute bagging	11
Sugar-bag cloth	9
Secondhand bagging	9½
Rewoven bagging	9½

The Department of Agriculture has reported (Cotton Bagging for Cotton) that a bagging made from low-grade cotton and weighing 12 ounces per yard, 45 inches wide, can not be sold for less than 20 cents per yard at present prices for cotton.

The southern farmer has always contended that jute bagging represented to him what binder twine represented to the wheat farmer and that it should be on the free list. In the tariff of 1913 it was put on the free list, with the result that the manufacture of new jute bagging

moved to India. The imposition of a duty of six-tenths of 1 cent per yard in the tariff act of 1922 did not alter this situation.

Rewoven bagging, however, is made in this country, while secondhand bagging and bagging made from sugar bags (which are a waste product of the sugar refineries) are naturally available here.

It is now proposed that a duty of 9 cents a yard be put upon new jute bagging. This would raise its cost to 20 cents, on a par with that of cotton bagging, and would greatly reduce, if not eliminate, its use.

But sugar-bag cloth would still be used because it could always be obtained for less than cotton bagging. There would also be bagging manufactured from waste materials of all sorts.

But, assuming that except for sugar-bag cloth all bagging would be made of cotton, even then, less than 100,000 bales of cotton would be used per year and the additional cost to the cotton farmer would be $7,420,000 per year.

A glance at the facts will show the truth of this statement.

In 1926, an average crop year, 106,000,000 yards of bagging were used to cover the crop. Eliminating 24,000,000 yards of sugar-bag cloth leaves 82,000,000 yards to be made of cotton. At 12 ounces per yard this amounts to 61,000,000 pounds or 122,000 bales of cotton. But this does not make any allowance for reclaimed cotton bagging which the Department of Agriculture estimates might be 40 per cent of the new bagging used the preceding year. It is safe to say, therefore, that not more than 100,000 bales of low-grade cotton would be used each year for cotton bagging.

These 100,000 bales of low-grade cotton would not be worth more than $75 a bale, or $7,500,000. The increased cost to the farmer would be at least 7 cents a yard on 106,000,000 yards or $7,420,000. The southern farmer, therefore, could as well afford to buy and burn the 100,000 bales of low-grade cotton and continue to use jute bagging, as to use cotton bagging.

The sole result of the proposed duties on bagging will be to take $7,420,000 from cotton farmers in general and to give it to those who will grow the low-grade cotton and those manufacturers who can spin it.

3. Burlap and jute cloths and bags

There are imported into the United States from India each year approximately 1,000,000,000 yards of jute cloth—almost entirely burlaps—which weigh approximately 600,000,000 pounds. The Tariff Commission states ("Jute cloths," 1922, p. 34) that over 80 per cent of this burlap is manufactured into bags in this country. In addition approximately 40,000,000 pounds of bags are imported at Pacific coast ports and are there used to contain wheat.

These burlaps and burlap bags, according to figures supplied by two of the country's leading bag manufacturers, are consumed in the United States approximately as follows:

Burlap and burlap bags (pounds) used by agriculture

Mill feeds	175,000,000
Fertilizer bags	75,000,000
Wheat (Pacific coast)	40,000,000
Flour for export	36,000,000
Dairy feed	25,000,000
Potatoes	30,000,000
Alfalfa	
Barley	
Beans	
Beet pulp	59,000,000
Cotton and meal	
Rice	
Wool	
General	
	440,000,000
Wholesale grocery trade	50,000,000
Textile trade, as wrapping material	75,000,000
Upholstery, general domestic, and other uses	75,000,000
Total new burlap and burlap bags	640,000,000

In addition to the new jute bags used each year the Tariff Commission estimates that about 500,000,000 secondhand burlap bags are in use in the United States. (Bags of Jute and Cotton, 1923, p. 3.) The secondhand bags are chiefly used in agriculture.

TESTIMONY OF THE TARIFF COMMISSION

Cotton and burlap bags are not competitive products, except to a very small degree. They are naturally adapted to different uses. The Tariff Commission says of this:

"Burlap bags are superior to cotton bags for shipping rough commodities requiring strength. Burlap is cheaper, does not rip when snagged, and does not stain easily. Cotton bags are, on the other hand, superior for finely ground products. They give off less lint than burlap and they take the imprint of trade-marks more readily. Under normal conditions there is little competition between the two. Only when the price of one is much higher than that of the other is substitution likely to occur."

* * * * * * *

"No domestic product serves as a satisfactory substitute for burlaps. Cotton cloth is its nearest competitor. Its substitution is limited, because burlaps possesses a strength which can not be obtained in cotton cloth except at a price much higher than that commonly asked for burlap. Burlap and cotton cloths are each so particularly adapted for certain purposes—burlap for sacking commodities that demand strength of texture rather than closeness of weave and cotton for sacking pulverized and ground products—that substitution is limited and confined to periods when the price of one is abnormally higher in terms of the other."

* * * * * * *

"Burlap bags are cheaper, and because of their greater strength are superior to cotton bags for sacking heavy commodities such as grain, produce, fertilizer, and other rough and bulky commodities. Burlap bags are inferior to cotton bags (1) for small packages; (2) for purposes where possibly the lint of the burlap might affect the contents, such as foodstuffs; (3) where a close woven fabric is required, as for sacking flour, and (4) where the bag is to receive an elaborate trade-mark."

Practically all the burlap used in the United States is made of yarn averaging between 5 and 10 pounds. This burlap weighs from 7½ to 12 ounces per yard 40 inches wide. An average selling price in the United States is 8½ cents per yard.

It is proposed to tax this burlap 6½ cents per yard. If such a tax were imposed, the use of burlap and burlap bags would be greatly reduced. But there is no substitute for burlap for sacking very heavy commodities, and taking into consideration the fall in the price of burlap which would accompany such a drastic reduction in its use, probably 25 per cent of the burlap now imported would still be imported. This would be 160,000,000 pounds or 250,000,000 yards, upon which the purchasers would have to pay an additional tax of $16,250,000.

It is conservatively estimated that at least one-half of the remaining burlap would be superseded by paper and by bags made from old burlap and waste. The paper (made from imported wood pulp) would be used both as a flat wrapper and as paper bags. The latter have already superseded both cotton and jute in the flour and cement businesses. To the extent that paper replaced burlap, the benefits of the proposed tariff would accrue to the manufacturers of paper and paper bags, and the cotton interests would gain nothing.

It is fair to say, therefore, that no more than 240,000,000 pounds of burlap would be replaced by cotton.

If cotton is to compete with burlap, even when these duties are imposed, cotton cloth weighing no more than 6⅜ ounces to the yard will have to be used. Only three-fifths of a pound of cotton, therefore, will be required to replace each pound of jute. This will call for 144,000,000 pounds, or 288,000 bales, of cotton, and this is the total increase in the domestic use of American cotton which can be expected to accrue from the proposed duties on burlap. At $100 per bale—a fair price for cotton of the grade required—the value of these 288,000 bales will be $28,800,000.

Agricultural users call yearly for 440,000,000 pounds or 704,000,000 yards of burlap in the form of bags. The duty proposed means an addition of 5⅞ cents per yard to the cost of these burlaps. What does this mean to the cost of bags? A typical wheat bag takes 1⅛ yards of burlap and holds 2 bushels. The extra cost of these duties will therefore, be 8 cents per bag, or 4 cents per bushel on the wheat which the bag will hold. Other cases can be cited to show that the increased cost from using cotton bags will run to 9 cents per bushel on the contents of the bag.

It may be argued that the whole of the duty will not be passed on to the bag user and that the cotton manufacturer will be able to supply him more cheaply than these figures indicate. If this is the case, why have the proponents demanded such heavy duties on the burlap which they wish to suppress? It is clear that if the duties proposed are those necessary to give the cotton manufacturer his chance he will have to pass practically the whole burden along to the consumer—in other words, to the farmer. Estimating conservatively, even if only 5 cents out of the 5⅞ cents per yard increase are passed on, the extra cost of the 704,000,000 yards of bag material used by agriculture will be $35,200,000.

The western farmer could offer to pay the South the value of the 288,000 bales of cotton to let the duties on burlap alone, and even then he would have $6,400,000 in his pocket.

WHO PAYS FOR THE DUTIES?

We have analyzed the three main uses for imported jute and jute products in the United States. We have seen that the duties proposed would cut these imports from 900,000,000 to between 250,000,000 and 300,000,000 pounds a year; that sisal and other hard fibers (all imported) would be substituted for jute in twines and that paper would take the place of about three-eighths of the burlaps now used; and that the increase in the demand for cotton would be less than 400,000 bales which would at the most bring the cotton growers about $36,300,000.

What of the cost? We have also shown that the cost to the cotton farmer alone would be $7,420,000 for bagging for his cotton bales, and that the cost to the farming community in general would be $35,200,000 for burlap or inferior substitutes. The total direct cost to agriculture would therefore be $42,620,000, or considerably more than the net benefit to the cotton farmer. For every dollar put into the cotton growers' pockets $1.17 would be taken out of the pockets of farmers in general.

But this is not all. The other users of burlaps—the wholesale grocers, the textile trades, the upholstery trade, and so on—would be mulcted of

$16,000,000 either for the burlap which they had to have or for the poorer substitutes which they might elect to take. Finally, the buyers of carpets and twine and other users of jute yarns would pay a bill of around $6,000,000.

The total cost to the people of the United States would, therefore, be $64,620,000, or nearly double the possible benefits to the cotton growers. Of this total cost about half would be paid to a small section of the farming community—the growers of low-grade cotton. The rest would be divided between the United States Treasury and the manufacturers of coarse cotton goods.

THE GRAVER DANGER

This heavy price of $65,000,000 a year takes no account of the fact that even then those who have to use wrapping materials would be worse served than they are now, and while the cost of inefficient materials is not easy to compute it is always considerable. But even this extra item does not measure the full cost or even the principal cost of the shortsighted policy which the proponents advocate.

There is a grave danger that the enactment of these duties will go far to destroy the export trade in American cotton, which is more than one-sixth of the entire export trade of the country, and which amounts to over 7,000,000 bales a year. (For the five years 1923–1927 the average yearly exports were 7,826,000 bales.)

Jute and jute manufactures are the principal exports of India—they account for over one-quarter of that country's export trade. Cotton goods manufactured in England and Japan are India's principal imports. Those cotton goods, made largely from American cotton and accounting for about 600,000 bales of it a year, are paid for by the exports of jute and its manufactures. If the jute trade is hopelessly crippled by these proposed duties—and they will cripple it, for 70 per cent of the burlap exports and all the bagging exports of India come to this country—India must look to some other commodity to pay for her cotton goods.

That commodity will be cotton. The United States can not grow jute, but India can and does grow cotton. She will naturally turn to the production of more and better cotton with which to supply the British cotton mills, for Great Britain can not sell cotton goods to India unless that country has something with which to pay for them. Furthermore Great Britain can not stand by idly and watch the crippling of India's greatest industry. She will undoubtedly make every effort to bring about the substitution of cotton grown in India for cotton which she now purchases from the United States.

The cotton trade is the dog in the fable who dropped his bone in the stream while trying to snatch at its reflection. It hopes to find a market for 400,000 bales of cotton by crippling the jute industry. By so doing, it runs a very great risk of losing the market for 600,000 bales exported indirectly to India through the Lancashire cotton mills. More than that, this action will prompt India to transform herself into a cotton-growing country, competing on more than level terms with this country for the world's raw cotton markets. The cotton grower may well pause and inquire whether the game is worth the candle. The farmer may well consider whether the extra cost of his bags and wrappers is a fair burden. The country as a whole is asked to give this dangerous experiment of one industry attacking another, with its prospect of irreparable damage to our largest export, the gravest consideration.

The coarse-cotton spinner may profit. The farmer ultimately will pay the bill.

JUTE AMENDMENTS PROPOSED AND THE FACTS WHICH PROVE SUCH AMENDMENTS SHOULD NOT PASS

On January 11, 1929, there was placed in the RECORD a study of the question of putting a duty on jute, made by three professors of Wisconsin University. Their statements tally with facts produced otherwise.

They urge that no such duty be placed on these products as the proposal is based on an experiment and would be costly to the chief users of jute—the farmer. Following is their statement:

"Cotton and jute substitution: The purpose of the proposed duty on raw jute is to encourage the substitution of cheaper grades of cotton where jute is now being used.

"Jute is a soft fiber obtained from the jute plant in India. It can not be raised in the United States. The United States takes from 65 to 75 per cent of India's exports. The fiber is soft and pliable, easily spun, from 4 to 8 feet in length, cheaper than cotton, and makes a good strong material for the manufacture of burlaps and bagging. It is also used for covering cotton bales, cordage and twine, caulking water pipes, upholstery, insulation work, and the manufacture of twilled-jute cloth. The preponderant use of jute is found in the field of agriculture, which uses from 60 to 70 per cent of our consumption, and where burlap bags and wrapping enter into the marketing of many products, particularly potatoes, Pacific coast wheat, cotton, mill feeds, sugar, and fertilizers.

"We have developed a domestic manufacturing industry which exports jute manufactures to many nations, although most of the burlap is manufactured in India. The consumption of jute and jute products has been constantly increasing.

"During 1928 jute averaged about 7 cents and cotton about 19 cents per pound. Should a tariff on jute force the substitution of cotton bags, it is estimated by the United States Tariff Commission that the cheapest cotton bag capable of competing with jute bags for ordinary use will cost close to 20 cents, as compared to about 12 cents for jute bags.

"Farmers chief users of jute: If the duty on jute is made so high as to force the substitution of cotton, the cotton growers will receive the benefit of this increased demand, and any additional costs resulting from such substitution will be borne by the public, chiefly the farmers. If, on the other hand, the rates are not made high enough to force this substitution, consumers will pay higher prices, with no benefit to the cotton growers. Moreover, since cotton growers and other farmers use from 60 to 70 per cent of the jute products consumed in this country, they will be obliged to pay the major part of any increased cost. Should jute imports be prohibited, India would be obliged to turn to cotton production on a still larger scale. This in turn will replace a large part of our foreign demand for cotton. It is doubtful, therefore, whether this duty would be of any substantial benefit to the cotton producers.

"Because of these and other facts, the subcommittee on flax, hemp, jute, and the manufactures thereof, recommended that jute be allowed to remain on the free list. This committee stated that a jute duty would have 'a detrimental effect on the old and well established domestic jute manufacturing industry' and that 'evidence is insufficient to prove conclusively that the benefits which might accrue to domestic cotton growers and cotton manufacturers would be such as would justify the higher prices and this added cost which would inevitably result.'"

FACTS ON JUTE AND JUTE PRODUCTS

The Tariff Commission (tariff information survey, FI–16, page 28) has this to say of the paragraph dealing with jute (1684).

"None of the fibers covered in this section are produced commercially in the United States and imports of all of them are and have been since October 6, 1890, free of duty."

One of the chief backers of amendments to put a duty on jute and jute products is a New York broker with a plant in Georgia who represents certain cotton-spinning interests. He and his associates have produced several pamphlets on the subject which have been sent to Congress.

No claim is made by the proponents that jute could be grown in the United States. The purpose of the amendment is theoretically to force the use of cotton instead of jute or jute products, the principal one of which is burlap.

The rates if granted would exclude jute fiber and its products from the United States.

Jute and jute products do not compete with any American product and constitute the raw material of an established American industry.

About 20 per cent in weight of the jute and jute products imported consists of unmanufactured fiber.

This fiber is manufactured into yarn and twine by an American industry employing approximately 11,000 and with an investment of approximately $65,000,000.

A duty of 3 cents would destroy the twine industry and force a substitution of other fiber.

It is estimated it would increase the cost of yarn by about $6,000,000 per annum and would not increase the use of a pound of cotton. (See hearings in House, p. 5861.) There is no serious contention that cotton could or would be substituted for jute yarns and twines now manufactured from the raw jute imported. The duty on the raw material is advocated only to prevent the manufacture of jute fabrics in the United States, none of which are now manufactured here. In other words, the proponents, in attempting to force the American public to use cotton as a coarse wrapping material instead of the cheaper jute, would, incidentally, destroy the American jute yarn spinning industry.

But the adoption of the duties would not increase materially the use of cotton and thus even the experimental purposes of the movement would not be gained.

It was claimed that these duties would lead to the use of a million bales of cotton per annum. These figures indicate the error of this estimate:

(1) The average quantity of burlap and burlap bags imported under the 1922 act was ---------- pounds --	6,000,000,000
(2) A conservative estimate is that 25 per cent of imports of burlap would be used even under the proposed tariff, because there is no known substitute for it for a certain purpose. This would amount to ----- pounds --	145,000,000
(3) Experience in the trade indicates that at least 25 per cent of the present burlap imports would be substituted by paper, waste materials, etc., amounting to ---------- pounds --	145,000,000
(4) At least a portion of certain wrappers would be discontinued because of the higher cost of substitutes and a greater amount of agricultural produce would be shipped in bulk. Estimating this at 10 per cent, the amount is ---------- pounds --	60,000,000
(5) This leaves but 250,000,000 pounds for which cotton fabrics and burlap would compete, but since cotton is one-third heavier than jute, the poundage translated into cotton, would result in the use of only ---------- bales of cotton --	334,000

The disturbance of world price of burlap by such a reduction in the world's present market would probably so lower the price of burlap as to enable it to take a considerable share of even this 334,000 bales.

So that actually, instead of 1,000,000 bales of cotton being used, probably not more than 150,000 or 200,000 bales would be used in this country.

The use would not materially affect the world's price of cotton and the only claim made in connection with the movement is that by forcing the use of cotton in America the domestic consumption would be increased to such an extent as to raise the world price of cotton.

On the basis of the figures shown above, the increased use of cotton could have no such effect.

The duties proposed, it is estimated, would cost about $62,000,000 per annum, of which $42,420,000 would be borne by the farmers in the increased cost of containers for their crops. (See House hearings, pp. 5862–5864.)

Cotton is now covered by what is known as cotton bagging. The farmers pay for the cost of this bagging. It is admitted that to substitute cotton for this bagging would increase the cost of bagging. (See House hearings on Schedule 10.)

But other farmers use jute products for containers for their crops. The farmer of the Nation now can purchase burlap bags at cheap prices and he uses them for alfalfa meal, barley, beans, beet pulp, cattle feed, corn chop, cottonseed meal, dairy feed, fertilizer, mill feed, nuts, oats, onions, peanuts, potatoes, poultry feeds, rice, seeds, starch, wheat, and so on.

Whether he liked it or not, the farmer under these tariffs—to benefit a few coarse spinners would be forced from Maine to California and from Canada to the Gulf to buy higher-priced containers.

There is no question about the cotton bagging costing more than the jute bagging.

Average figures show that in the past the jute bagging sold for 11, 9½, and 9 cents per yard.

The Department of Agriculture (Cotton Bagging for Cotton, 1928) reports that bagging made from low-grade cotton of a similar weight and strength to the above-mentioned jute bags could not be sold for less than 20 cents per yard at present cotton prices.

In stating that there are uses to which jute products are now put and for which there would be no American substitute, it may be mentioned that among these uses are: Carpet yarns—in connection with which cotton-yarn prices would be prohibitive; filler for electric cables; packing for water pipes, etc. (See Senate hearings, vol. 10, p. 132.)

It is estimated that the mill-feed containers of the country use 175,000,000 pounds of burlap and burlap bags.

Other uses are: Fertilizer, 75,000,000 pounds; wheat, 40,000,000 pounds; dairy, 25,000,000 pounds; potatoes, 30,000,000 pounds; wholesale grocery trade, 50,000,000 pounds; upholstery, general, domestic, and other uses, 75,000,000 pounds. (See Senate hearings, p. 133.)

A serious matter to be considered is this. Jute is grown in India. India also produces cotton. If we attempt to destroy the use of jute and jute products in the United States, it is natural and normal that there will be a change in conditions in India. And with the American market for jute gone, India will turn to a larger production of cotton and this larger production will naturally reduce the world's price of cotton. Furthermore, India will use more of her own domestic cotton while at the present she uses cotton grown in the United States to a large extent.

The jute movement is purely experimental. No one can positively predict that a high rate of duty on jute would force the use of one bag of cotton. Other articles and other fibers might be substituted than cotton, but it is absolutely certain that a duty upon jute will raise the price of all jute and jute products which may be used in the United States, or by excluding such products from the United States, will raise the price of containers to the American farmer and add millions of dollars to the cost of marketing.

Mr. COPELAND. Mr. President, I think, of the 21,000 items in this bill, I have had more protests against this proposed amendment than any other. The Senate is in no mood to listen to arguments of any sort. I merely wish to add my voice to that of others who have already spoken in opposition to the amendment.

Mr. RANSDELL. Mr. President and Senators, as I had the honor of presenting this proposition before the Ways and Means Committee in a very elaborate argument and again before the Finance Committee, I think I should say just a word.

There is no doubt, in my judgment, that the statements of the Senator from Georgia are correct, and if we could adopt the amendment suggested by him, or originally, I may say, suggested and urged very strongly by me during the past two years, a market would be furnished not for a million bales of low-grade cotton but for one and a half million bales of low-grade cotton which is produced by the high-priced labor of the South, labor that is paid anywhere from 75 cents to $2 per day against wages of 16 cents per day paid to the laborers of India.

This is a clean-cut farm proposition if there ever was one, but, after wrestling with the House Ways and Means Committee in vain to try to persuade even one of the representatives from the cotton-producing States that we ought to have a duty on jute and after a similar failure before the Finance Committee to convince more than one of the representatives of the cotton-producing States there that there ought to be a duty on jute, I became convinced that I was, in the slang of the day, "butting my head against a stone wall," and I decided not to press my amendment. However, I entertain the hope, Mr. President and Senators, that the American people may be convinced at some time, I trust in the near future, that this is a meritorious proposition, and when it shall be again presented that we will have a very different vote from that which will be registered against it if the roll shall now be called. The American people do not understand the wonderful merits of this proposition and their Representatives will vote against it not knowing its merits. For that reason and that alone I decided not to press it, as I am not pressing it now because it is not understood.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from Georgia, which will be voted on en bloc.

Mr. HEFLIN. Mr. President, I heartily favor the amendment offered by the Senator from Georgia. I trust that the Senate will grant us this aid for the cotton farmer, in view of the fact that the Congress was called in extra session particularly for the benefit of American farmers. I have heard arguments here for months—and I have supported some of them—to the effect that we could produce many of the commodities now being imported from foreign countries, and that as Americans it was our duty to use the commodities which we produce instead of those foreigners produce. We have been urged, and properly so, to use American products wherever it is possible to do so. I understand that the cotton farmers generally and the farm organizations of the South have all indorsed this proposition to use bagging made of low-grade cotton instead of using jute bagging made in foreign countries; the farm demonstrators, I believe, in every county of the 820 counties in the Cotton Belt advocate the use of low-grade American cotton for bagging in which to wrap the cotton grown in the United States.

Mr. President, this would be very helpful to the cotton producers of the United States.

And I trust that we shall have the full sympathy and support of all the Senators from the cotton-growing States.

Mr. President, in spite of the fact that it is growing late, I am going to make this final plea for the hard-pressed and sorely distressed cotton producers of the United States. Thousands of them live in the flood-afflicted areas in the South. Cotton that has been rained upon for a long time after it has opened, cotton that has blown out upon the ground and maybe has been covered with water, cotton that has become stained and soiled and tinged can be used. The strength of the fiber has not been destroyed, and yet while it is not good for spinning into fine cloth an abundance of that character of cotton can be used in making bagging. When it is washed or carried through a cleansing process it can be manufactured into a cheap bagging that will take the place of this foreign jute bagging.

The question is whether American Senators are going to help us establish an American market for this low-grade cotton. The Government is now being called upon to aid the farmers in the storm and flood areas of the Southeastern States to the extent of six or seven million dollars—and God knows they need it. We are loaning that sum of money to farmers whose crops have been destroyed or their cotton so damaged that it can not be used for spinning into cloth; but if we provide as the Senator from Georgia now suggests, vast quantities of such cotton hereafter could be used to some advantage to the cotton producer.

Mr. President, the amendment, if adopted, will help the cotton farmer; it will consume every year every bale of low-grade cotton produced in the United States. It will put money in the cotton producer's pocket that is now going into the pockets of the Jute Bagging Trust, owned and operated in a foreign country.

The Senator from Montana [Mr. WALSH] tells us that this would no doubt be beneficial to the cotton producers of the South, but that it would be somewhat costly to some of his people in the North. Even if it should cost a little more at the outset, are we not justified, as American Senators, in taking the step necessary to build up a new cotton-manufacturing establishment where we now have none? It would benefit the cotton farmer and increase his purchasing power and enable him to buy more from the North than he now buys. What we want to do is to do that which is best for the American producer and the American manufacturer. Instead of having jute bagging

coming in from foreign countries, we should build in our own country cotton factories to manufacture cotton bagging in the United States, and the low-grade, soiled, and damaged cotton could be used to fine advantage for that purpose.

Mr. President, in doing that, we will increase the consumption of American cotton a million or a million and a half bales. Is not that worth a few minutes of our time, when cotton to-day is selling $25 a bale below the cost of production? Can we from the cotton-growing States spend our time better than in stretching forth a helping hand to the depressed, despondent, and much-distressed cotton farmers of the South?

Mr. President, I understand that the Jute Bagging Trust has been very busy here fighting this legislation. It has been exceedingly busy about this Capitol for months. No doubt it can furnish all sorts of propaganda to beat back a measure like this, which seeks to take away from it the use of the cotton farmers' home market. That market belongs to the American cotton producer. Senators, let us help the American cotton producer. Let us give him this protection. Let us build these cotton-bagging manufacturing establishments here, and let us use this low-grade cotton that frequently can not be used for anything else but bagging to wrap up the farmers' cotton in. Who would withhold from him this form of aid? I congratulate the Senator from Georgia [Mr. HARRIS] upon his stand in the matter.

Mr. President, one other thought, and I am through.

If there is a class of our people that needs help and needs it now, it is the cotton producers of the United States. Give them this little pittance. It will help some, and we shall be exceedingly grateful to you. I trust that the amendment of the Senator from Georgia will be adopted.

Mr. FRAZIER. Mr. President, I have a great deal of sympathy with the cotton growers and realize their position, but the cotton growers are not the only farmers who are hard up. These manila jute bags are used in a great many industries. They are used by the farmers especially.

I have had telegrams from the Potato Growers' Associations of North Dakota and Minnesota protesting against this increase. The increase in paragraph 1008, raising the duty from 1 cent a pound to 10 cents a pound, would mean 1,000 per cent increase in the duty. It would mean an increase of 10 cents for each one of these jute bags.

In the fall of 1928, in North Dakota, potatoes were worth less than 20 cents a bushel. These jute bags—2-bushel bags, potato sacks—were worth 16 cents apiece. If we should add another 10 cents to them, the potato sacks would be worth more than the potatoes were worth.

Mr. President, in paragraph 1018 the amendment adds a 10 cents per pound duty in place of 1 cent per pound. That would mean exactly 10 cents for each bag.

Mr. HARRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. FRAZIER. I do.

Mr. HARRIS. When the Senator asks for a tariff on wheat—and we in the South purchase a great deal of the wheat of the Northwest—does not that make our wheat go up? Are we not taxed to pay you the cost of a tariff?

Mr. FRAZIER. Unfortunately the wheat tariff has not been effective thus far; and there are very few of the farm schedules that are effective.

I will say to the Senator from Georgia that if the cotton people can demonstrate that they can make a cotton sack that will do for potatoes and bran and shorts and mill feeds and to wrap furniture in, we shall be glad to try to use it if we can use it; but up to the present time that has not been demonstrated, and it seems to me these increases would work a vast hardship to the potato growers and the people who buy mill feeds and other feeds for dairy cattle. When the farmer or the dairyman buys a sack of mill feed and pays about 15 cents for each one of those sacks, it would add another 10 or more cents to that cost.

I trust this amendment will be defeated.

Mr. GEORGE. Mr. President, I shall detain the Senate for only a moment.

It is true that the object of this amendment is to compel the substitution of an American-grown product for a foreign or imported product; but that is not a new principle in this tariff bill. It so happens that the last amendment passed upon prior to considering this one was an amendment to impose a duty of 2 cents a pound on crin vegetal, not a single ounce of which is produced in the United States, never has been and never will be, for commercial purposes. So it is not any new principle. It is the same old principle that runs throughout the bill. We can find it in every one of the schedules where a competing substitute has been shut out in order to increase the market of an American-grown product.

This particular proposal would, of course, increase the cost to the American consumers, including, of course, the American farmer. In other words, the farmer himself is a large user of this particular product which would be excluded under a high tariff, and which, possibly, as the Senator who introduces the amendment believes and others believe, would be replaced by the use of American cotton.

Those who have made a careful study of this question are convinced that if the tariff upon jute and jute products is placed high enough it would result in the consumption of from a million to a million and a half bales of cotton; and, of course, it is generally agreed that that cotton would be the lowest-grade cotton made in the United States. It is, of course, recognized that there would be some increased cost to the other farmers and to the general consumers who use jute products. There is no question about that; but I want to emphasize the fact that in this bill, in practically every schedule, instances may be pointed out where the only possible explanation of the duty is to compel the use of some American product in lieu of some product not produced in the United States at all. If we should take that principle out of this bill, we would very seriously interfere with the tariff as it is now built.

Let me say a few words to my Republican friends who are wedded to the principle of embargoes.

One day your principle is going to be repudiated; and the two primary causes will be—

First, that you have taught the American farmer that his salvation lies in the tariff. He is going to have it, and he is going to have it to the uttermost.

Second, you have taught the American laborer that you are giving him wages by the imposition upon the American consumer of tariffs; and one day the American laborer will turn upon American industry and will say, "We want a fairer and a more equitable distribution of the duties which you are allowed to collect out of the people."

When the embargo theory, now parading as the protective system, breaks down, as it ultimately must break down, those who now enjoy it will find that these two agencies have contributed to the destruction of the system.

For the present moment labor is content to overlook the interest of the general consumer; but one day it will turn to industry and will say, "We want a fairer distribution of the profits which you have been collecting in our name"; and the American farmer, because you have taught him that his salvation lay through the protective tariff, when you knew it was not so, will demand that you make good to the utmost farthing; and these two agencies are the certain agencies that will one day break down the embargo principle in the United States.

Mr. President, I wish to emphasize the fact the proposal is of serious consequences, but it can not be laughed aside with the suggestion that a duty is proposed upon something not grown in the United States in order to compel the use of a substitute that is grown here, when the last matter disposed of before we proceeded to the consideration of this amendment was the placing of a high duty upon crin vegetal, which is not produced in the United States.

The PRESIDING OFFICER (Mr. FESS in the chair). The question is on the amendment offered by the Senator from Georgia [Mr. HARRIS].

Mr. HEFLIN. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GOULD (when his name was called). I have a pair with the junior Senator from Utah [Mr. KING] and therefore I withhold my vote. If privileged to vote, I would vote "nay."

Mr. ROBINSON of Indiana (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS]. In his absence, not knowing how he would vote, I withhold my vote.

Mr. THOMAS of Idaho (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WHEELER]. I am informed that he would vote as I will vote, and therefore I vote. I vote "nay."

Mr. TOWNSEND (when his name was called). On this vote I have a general pair with the senior Senator from Tennessee [Mr. MCKELLAR]. Not knowing how he would vote I withhold my vote.

Mr. WAGNER (when his name was called). I am paired on this vote with the junior Senator from Missouri [Mr. PATTERSON]. I am informed that if he were present he would vote as I would vote. I vote "nay."

The roll call was concluded.

Mr. WALCOTT. I have a pair with the junior Senator from South Carolina [Mr. BLEASE]. I transfer that pair to the junior Senator from Missouri [Mr. PATTERSON], and vote "nay."

Mr. WATSON. I withhold my vote, because I have a pair with the senior Senator from South Carolina [Mr. SMITH] and can not secure a transfer.

Mr. MOSES. Has the senior Senator from Iowa [Mr. STECK] voted?

The VICE PRESIDENT. He has not voted.

Mr. MOSES. I have a general pair with that Senator, and therefore I withhold my vote.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Wyoming [Mr. SULLIVAN] with the Senator from Tennessee [Mr. BROCK];

The Senator from Oregon [Mr. STEIWER] with the Senator from New Mexico [Mr. BRATTON];

The Senator from Vermont [Mr. GREENE] with the Senator from Arkansas [Mr. CARAWAY]; and

The Senator from Kentucky [Mr. ROBSION] with the Senator from Washington [Mr. DILL].

Mr. SHEPPARD. I desire to announce that if the junior Senator from Washington [Mr. DILL] were present, he would vote "nay."

The result was announced—yeas 11, nays 57, as follows:

YEAS—11

Brookhart	George	Pine	Shortridge
Connally	Harris	Ransdell	Trammell
Fletcher	Heflin	Sheppard	

NAYS—57

Allen	Frazier	Jones	Schall
Ashurst	Glass	Kean	Smoot
Baird	Glenn	Kendrick	Steiwer
Barkley	Goff	Keyes	Swanson
Bingham	Goldsborough	La Follette	Thomas, Idaho
Black	Grundy	McCulloch	Tydings
Blaine	Hale	McMaster	Vandenberg
Borah	Harrison	McNary	Wagner
Bratton	Hastings	Metcalf	Walcott
Broussard	Hatfield	Norbeck	Walsh, Mass.
Capper	Hawes	Norris	Walsh, Mont.
Copeland	Hayden	Nye	Waterman
Cutting	Hebert	Oddie	
Dale	Howell	Phipps	
Fess	Johnson	Pittman	

NOT VOTING—28

Blease	Gould	Reed	Steck
Brock	Greene	Robinson, Ark.	Stephens
Caraway	King	Robinson, Ind.	Sullivan
Couzens	McKellar	Robsion, Ky.	Thomas, Okla.
Deneen	Moses	Shipstead	Townsend
Dill	Overman	Simmons	Watson
Gillett	Patterson	Smith	Wheeler

So Mr. HARRIS'S amendments were rejected.

The VICE PRESIDENT. The schedule is still in the Senate and open to amendment.

Mr. KEAN. I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 166, line 8, after the word "and," to strike out the word "twenty" and insert in lieu thereof the word "sixty," and on page 166, line 11, to strike out the word "twenty" and insert in lieu thereof the word "sixty."

Mr. KEAN. Mr. President, in explanation of this the 1922 act provided for 120 threads, and the House Ways and Means Committee adopted this count. The Finance Committee increased it to 160 threads, and the Committee of the Whole reduced it to 120 threads.

In actual operation the 120-thread count is nullified by foreign manufacturers in this way: As an example, towels that have a count of less than 120 threads may be increased by splitting up enough of these threads and twisting these threads in a loose manner but not tight enough to form a single thread, the loose thread being counted as two threads. The amount of material being the same, but in this way the count being greater, and therefore the duty being less on a large count, but as a matter of fact the material is just the same as it would be in a smaller count.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator yield to the Senator from Virginia?

Mr. KEAN. I yield.

Mr. SWANSON. Has the Senate voted on this once?

The VICE PRESIDENT. The amendments were defeated.

Mr. SWANSON. I make the point of order that they are not in order.

The VICE PRESIDENT. The amendments are in order.

Mr. KEAN. Mr. President, the importers are obliged to pay 35 per cent on all weaving yarns brought into this country. Therefore there is only a difference of 5 per cent between the manufactured article from abroad and the raw material, which the American manufacturer must buy to make the finished product.

I ask for a vote.

Mr. GEORGE. Mr. President, I ask that the amendment be again reported.

The amendment was read.

Mr. COPELAND. Mr. President, it is nearly 10 o'clock, Senators have been leaving the Chamber, and, for the first and only time I have known of, the Senator from Utah, at the time this matter was up before, was mixed up on the rate.

Mr. KEAN. Does the Senator desire to suggest an amendment to my amendment?

Mr. COPELAND. I merely desire to speak to the amendment. Even the Senator from Nebraska was mixed up on the amendment on the night on which it was before the Senate, and the Senator from Utah reversed the order, he had one number ahead of the other. He had the cart ahead of the horse.

This is an important matter, I have been led to believe. It has to do with the development of the linen industry in this country. I think the Senator from Utah ought to explain to the Senate the significance of the amendment offered by the Senator from New Jersey, and seek to have the amendment which was recommended by the Finance Committee adopted by the Senate. I understand the Senator from New Jersey has made exactly that motion, has he not?

Mr. SMOOT. Yes; as I understand the amendment as it was offered, that would be the effect of it.

Mr. COPELAND. That is what I understand. The linen manufacturers point out why this should be done.

Mr. President, I do not know what the intention is about going on to-night. The Senator from Nebraska was somewhat sarcastic to-day when he called attention to the teachings I put forth regarding health. I think it is a mistake to attempt at this last minute to hurry this bill because matters are brought up to-night, and at the end, when everybody wants to get away, it means that every amendment which will be presented will simply be howled down by cries of "Vote! Vote!" in the desire of Senators to get through and go home.

Mr. President, this matter is important, and the Senator from Utah is better prepared than any of the rest of the Senators, in my opinion, to present the reasons why this amendment offered by the Senator from New Jersey should be adopted, and just because we are in a hurry to go home is no reason why we should put another industry or two upon the rocks.

Mr. SMOOT. It can be explained in a very few words. The Senate struck out "20" and inserted "60," so that threads not exceeding——

Mr. COPELAND. Mr. President, it is not fair to ask a tired man to talk against the noise in this Chamber. Senators should have respect enough for the Senator from Utah, who has worked here for six months to help make a tariff bill, to give respectful attention, and I protest that that is what should be done.

Mr. SMOOT. I have no complaint of the treatment Senators have accorded me. They have been very kind to me.

Five years ago towels in the United States were all made with less than 120 threads to the square inch. In the last three or four years the manufacturers have been making towels with 150 or 152 or 153 threads to the square inch. What the Senate committee did was to try to meet the conditions existing to-day, to take care of the finer threads which go into towels.

The Senate disagreed with the committee amendment, and put the number back to 120. If that is finally agreed to, of course, the provision will apply only to towels made with 120 threads to the square inch. That is all there is to the story.

Mr. GEORGE. Mr. President, I want to remind the Senator from Utah that the Senate disagreed to the Senate Finance Committee amendment after full discussion in the Senate.

Mr. SMOOT. I have not said to the contrary. I am just stating the situation.

Mr. GEORGE. I want to call the Senate's attention to that fact. If at the last minute amendments which may be technically in order are considered and passed upon, and there is an effort to raise all rates that have been passed upon after due deliberation, it may be several days before we get through with the bill. It strikes me the Senate had better stand by what it has done after full consideration.

This matter was discussed, and the Finance Committee amendment was agreed to, and when the bill got into the Senate there was no further discussion of it and no other vote, and nothing had been reserved. We are faced here in the very last moments of the debate with the proposal to restore the original

Finance Committee amendment, which was rejected by the Senate.

Now, in dollars and cents the amendment means that if the language which the Senator from New Jersey seeks to restore is put back in the bill the consumer must pay $1,749,642 in actual duties against the present duty of less than $1,500,000 on the same amount of merchandise. That duty, of course, will be multiplied two or three times before it actually reaches the consumer. On a fair presentation of the changes made here in language, the result of which is to work an increase in rates, the Senate disagreed with the Finance Committee amendment. It seems to me that the Senate ought to adhere to its position and not at this last minute undertake to depart from it.

I invite the attention of the Senate to the fact that the change will work an increase from 43.42 per cent to 51.81 per cent ad valorem in this particular rate. There is no use of it. There is no justification for it. I say again, if the Senate is desirous to prolong the debate upon the tariff bill for several days more, it can proceed to undertake to undo all the rates heretofore made.

The VICE PRESIDENT. The question is on the amendment of the Senator from New Jersey [Mr. KEAN].

The amendment was rejected.

The VICE PRESIDENT. The schedule is still before the Senate and open to amendment.

Mr. WALSH of Montana. Mr. President, the hour has arrived at which we usually discontinue work for the day. We have done very well to-day. I inquire of the Senator from Utah if it would not be appropriate to suspend now?

Mr. SMOOT. Mr. President, I inquire if Schedule 10 has been completed?

The VICE PRESIDENT. No further amendment was offered. The Chair will again ask if there are any further amendments to Schedule 10? There being none, Schedule 10 is closed, and Schedule 11 is now before the Senate.

Mr. HEFLIN. Mr. President, I would like to ask the Senator from Utah if he does not think that by remaining here a couple of hours longer we could finish the bill to-night?

Mr. SMOOT. I have thought so, and I would like to do it if there is no serious objection to that course.

Mr. HEFLIN. I think we can finish it; at least enough of us who are interested want to stay here and finish it to-night so we shall not have to come back to-morrow.

Mr. SMOOT. Of course it would please me very much if that could be done.

Mr. HEFLIN. Then let us go ahead.

Mr. WALSH of Montana. Mr. President, I hope the Senator from Utah will accede to the request suggested that we discontinue now. It must be evident to everyone that we can not finish the bill to-night. We shall do very much more work in the two or three hours to-morrow before 2 o'clock, when it is understood we are to suspend for the day, than we could possibly do to-night.

Mr. SMOOT. Would there be any objection to meeting at 10 o'clock to-morrow morning? I ask unanimous consent to set aside the unanimous-consent agreement heretofore made and that the Senate meet to-morrow morning at 10 o'clock.

The VICE PRESIDENT. Is there objection?

Mr. HOWELL. I object.

The VICE PRESIDENT. Objection is heard.

Mr. MOSES. Mr. President, why not go on to-night?

Mr. SMOOT. I would like to go on to-night.

Mr. SHEPPARD. I suggest to the Senator from Utah that he move to take a recess until to-morrow morning at 10 o'clock.

Mr. SMOOT. Oh, no.

Mr. MOSES. I beg the Senator not to do that. In another hour we can finish the bill.

Mr. WALSH of Montana. Mr. President, it is idle to talk about finishing the bill in another hour or in another three hours to-night. Moreover, there is no one here now who is in a condition really to do such work as ought to be expected from the Senate of the United States. We have made very commendable progress during the day, and I think it is scarcely human to ask Senators to stay here any longer after the arduous work of the day following the continuous night sessions we have had for the past several weeks.

Mr. SMOOT. Mr. President, I now move——

Mr. HEFLIN. Mr. President, before the Senator makes a motion will he not let the Senate pass judgment on the question whether we are going to quit now and come back to-morrow or proceed further to-night?

The VICE PRESIDENT. That question will be raised by the motion to take a recess.

Mr. MOSES. Mr. President, the difficulty is that that motion is not debatable. The Senator from Montana and all the rest of the Senators know that the bill is going to be made in conference. Why should we not go on and send it to conference?

RECESS

Mr. WALSH of Montana. Mr. President, in order to test the matter I move that the Senate take a recess, the recess being until 11 o'clock to-morrow morning.

The motion was agreed to; and the Senate (at 10 o'clock and 5 minutes p. m.), under the order previously entered, took a recess until to-morrow, Saturday, March 22, 1930, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate March 21 (legislative day of January 6), 1930

ASSOCIATE JUSTICE OF THE SUPREME COURT

John J. Parker, of North Carolina, to be an Associate Justice of the Supreme Court of the United States, vice Edward T. Sanford, deceased.

COMMISSIONERS OF THE DISTRICT OF COLUMBIA

Herbert B. Crosby, of the District of Columbia, to be a Commissioner of the District of Columbia for a term of three years and until his successor is appointed and qualified, vice Proctor L. Dougherty, term expired.

Luther H. Reichelderfer, of the District of Columbia, to be a Commissioner of the District of Columbia for a term of three years and until his successor is appointed and qualified, vice Sidney A. Taliaferro, term expired.

COMMISSIONER OF IMMIGRATION

Benjamin M. Day, of New York, to be commissioner of immigration at the port of New York, N. Y.

PROMOTIONS IN THE REGULAR ARMY

MEDICAL CORPS

To be majors

Capt. Martin Fred Du Frenne, Medical Corps, from March 13, 1930.

Capt. Philip Lewis Cook, Medical Corps, from March 18, 1930.

POSTMASTERS

ALABAMA

Leander Isbell to be postmaster at Albertville, Ala., in place of Leander Isbell. Incumbent's commission expires March 30, 1930.

Harry L. Jones to be postmaster at Bay Minette, Ala., in place of H. L. Jones. Incumbent's commission expires March 29, 1930.

Joseph D. Pruett to be postmaster at Boaz, Ala., in place of J. D. Pruett. Incumbent's commission expired March 16, 1930.

Hiram T. Graves to be postmaster at Crossville, Ala., in place of H. T. Graves. Incumbent's commission expires March 22, 1930.

John E. Sutterer to be postmaster at Cullman, Ala., in place of J. E. Sutterer. Incumbent's commission expires March 22, 1930.

Meige C. Bronson to be postmaster at Dadeville, Ala., in place of M. C. Bronson. Incumbent's commission expired March 16, 1930.

Charles O. Johnson to be postmaster at Ensley, Ala., in place of C. O. Johnson. Incumbent's commission expired December 18, 1929.

Andrew J. Beard to be postmaster at Jacksonville, Ala., in place of A. J. Beard. Incumbent's commission expires March 22, 1930.

Henry M. Gay to be postmaster at Lanett, Ala., in place of H. M. Gay. Incumbent's commission expires March 29, 1930.

William K. Black to be postmaster at Millport, Ala., in place of W. K. Black. Incumbent's commission expires March 22, 1930.

Arthur G. Smith to be postmaster at Opelika, Ala., in place of A. G. Smith. Incumbent's commission expires March 29, 1930.

Joseph J. Langdon to be postmaster at Reform, Ala., in place of J. J. Langdon. Incumbent's commission expires March 29, 1930.

Tommie P. Lewis to be postmaster at Seale, Ala., in place of T. P. Lewis. Incumbent's commission expired March 16, 1930.

G. Aubrey Sayers to be postmaster at Tallassee, Ala., in place of G. A. Sayers. Incumbent's commission expires March 22, 1930.

George W. Buck to be postmaster at Thomaston, Ala., in place of G. W. Buck. Incumbent's commission expires March 30, 1930.

Pallie M. Ellis to be postmaster at Valley Head, Ala., in place of P. M. Ellis. Incumbent's commission expired March 16, 1930.

Henry E. Hart to be postmaster at Waverly, Ala., in place of H. E. Hart. Incumbent's commission expired March 16, 1930.

George M. Baker to be postmaster at Wilsonville, Ala., in place of G. M. Baker. Incumbent's commission expired March 16, 1930.

ARKANSAS

Claude G. Felts to be postmaster at Alicia, Ark., in place of C. G. Felts. Incumbent's Commission expires March 22, 1930.

Joe Mitchell to be postmaster at Danville, Ark., in place of Joe Mitchell. Incumbent's commission expires March 22, 1930.

Daniel C. Wines to be postmaster at Helena, Ark., in place of D. C. Wines. Incumbent's commission expires March 22, 1930.

Edward L. Hamilton to be postmaster at McCrory, Ark., in place of E. L. Hamilton. Incumbent's commission expires March 30, 1930.

James F. Rieves to be postmaster at Marion, Ark., in place of J. F. Rieves. Incumbent's commission expires March 30, 1930.

Henry Bringman to be postmaster at Pine Bluff, Ark., in place of Henry Bringman. Incumbent's commission expires March 30, 1930.

Edgar E. Hudspeth to be postmaster at Texarkana, Ark., in place of E. E. Hudspeth. Incumbent's commission expires March 30, 1930.

William H. Moreland to be postmaster at Tyronza, Ark., in place of W. H. Moreland. Incumbent's commission expires March 22, 1930.

CALIFORNIA

Walter D. Neilson to be postmaster at Del Monte, Calif., in place of W. D. Neilson. Incumbent's commission expires March 25, 1930.

Tracy Learnard to be postmaster at Gilroy, Calif., in place of Tracy Learnard. Incumbent's commission expires March 25, 1930.

Frank L. Huff to be postmaster at Mountain View, Calif., in place of F. L. Huff. Incumbent's commission expires March 25, 1930.

Forest E. Paul to be postmaster at Pacific Grove, Calif., in place of F. E. Paul. Incumbent's commission expires March 23, 1930.

Roy E. Copeland to be postmaster at San Jacinto, Calif., in place of R. E. Copeland. Incumbent's commission expires March 23, 1930.

Clarence Beckley to be postmaster at Santa Paula, Calif., in place of Clarence Beckley. Incumbent's commission expires March 23, 1930.

Charles S. Catlin to be postmaster at Saticoy, Calif., in place of C. S. Catlin. Incumbent's commission expires March 31, 1930.

Clifford M. Moon to be postmaster at Victorville, Calif., in place of C. M. Moon. Incumbent's commission expires March 23, 1930.

COLORADO

Hoyt D. Whipple to be postmaster at Berthoud, Colo., in place of H. D. Whipple. Incumbent's commission expires March 25, 1930.

Frank M. Whalen to be postmaster at Deertrail, Colo., in place of F. M. Whalen. Incumbent's commission expires March 25, 1930.

Fred M. Moore to be postmaster at Littleton, Colo., in place of F. M. Moore. Incumbent's commission expires March 22, 1930.

Eugene S. Vories to be postmaster at Walsenburg, Colo., in place of E. S. Vories. Incumbent's commission expires March 30, 1930.

GUAM

James H. Underwood to be postmaster at Guam, Guam, in place of J. H. Underwood. Incumbent's commission expires March 22, 1930.

HAWAII

John Lennox to be postmaster at Ewa, Hawaii, in place of John Lennox. Incumbent's commission expires March 22, 1930.

John F. Rapozo to be postmaster at Kapaa, Hawaii, in place of J. F. Rapozo. Incumbent's commission expires March 22, 1930.

IDAHO

Norman O'Donnell to be postmaster at Elk River, Idaho, in place of Norman O'Donnell. Incumbent's commission expires March 29, 1930.

Benjamin O. Braham to be postmaster at Kellogg, Idaho, in place of B. O. Braham. Incumbent's commission expires March 29, 1930.

Laura S. Enberg to be postmaster at Fruitland, Idaho, in place of L. S. Enberg. Incumbent's commission expired March 16, 1930.

Hattie Inghram to be postmaster at Lapwai, Idaho, in place of Hattie Inghram. Incumbent's commission expired March 16, 1930.

Ross J. Pettijohn to be postmaster at Melba, Idaho, in place of R. J. Pettijohn. Incumbent's commission expired March 16, 1930.

Ira W. Moore to be postmaster at St. Anthony, Idaho, in place of I. W. Moore. Incumbent's commission expired March 16, 1930.

Charles H. Hoag to be postmaster at Worley, Idaho, in place of C. H. Hoag. Incumbent's commission expired March 16, 1930.

ILLINOIS

Charles O. Anderson to be postmaster at Creal Springs, Ill., in place of C. O. Anderson. Incumbent's commission expired March 3, 1930.

Fred W. Diefenbach to be postmaster at Herscher, Ill., in place of F. W. Diefenbach. Incumbent's commission expires March 24, 1930.

Maurice Z. Moore to be postmaster at Industry, Ill., in place of M. Z. Moore. Incumbent's commission expires March 23, 1930.

Ray F. Tribbett to be postmaster at Mount Pulaski, Ill., in place of R. F. Tribbett. Incumbent's commission expires March 27, 1930.

Edwin W. Perkins to be postmaster at Newark, Ill., in place of E. W. Perkins. Incumbent's commission expires March 23, 1930.

John W. Sheary to be postmaster at New Holland, Ill., in place of J. W. Sheary. Incumbent's commission expires March 24, 1930.

Edward F. Guffin to be postmaster at Pawpaw, Ill., in place of E. F. Guffin. Incumbent's commission expires March 27, 1930.

Arthur L. Johnson to be postmaster at Rockford, Ill., in place of A. L. Johnson. Incumbent's commission expires March 24, 1930.

Frank B. Courtright to be postmaster at Sheridan, Ill., in place of F. B. Courtright. Incumbent's commission expires March 24, 1930.

Myron W. Hughes to be postmaster at Wauconda, Ill., in place of M. W. Hughes. Incumbent's commission expires March 23, 1930.

INDIANA

Jennette Mertz to be postmaster at Bunker Hill, Ind., in place of Jennette Mertz. Incumbent's commission expires March 25, 1930.

William O. Nation to be postmaster at Centerpoint, Ind., in place of W. O. Nation. Incumbent's commission expired March 17, 1930.

Herbert K. Laramore to be postmaster at Knox, Ind., in place of H. K. Laramore. Incumbent's commission expires March 29, 1930.

Arthur F. Saylor to be postmaster at New Paris, Ind., in place of A. F. Saylor. Incumbent's commission expired March 17, 1930.

Omer R. Metz to be postmaster at South Whitley, Ind., in place of O. R. Metz. Incumbent's commission expires March 25, 1930.

William W. Schmidt to be postmaster at Wanatah, Ind., in place of W. W. Schmidt. Incumbent's commission expires March 25, 1930.

IOWA

Sid J. Backus to be postmaster at Algona, Iowa, in place of S. J. Backus. Incumbent's commission expires March 29, 1930.

Mikel L. Larson to be postmaster at Callender, Iowa, in place of M. L. Larson. Incumbent's commission expires March 25, 1930.

Armanis F. Patton to be postmaster at Gowrie, Iowa, in place of A. F. Patton. Incumbent's commission expired March 16, 1930.

Jay E. Beemer to be postmaster at Gravity, Iowa, in place of J. E. Beemer. Incumbent's commission expires March 25, 1930.

William Hayes to be postmaster at Harlan, Iowa, in place of William Hayes. Incumbent's commission expires March 25, 1930.

Benjamin F. Shirk to be postmaster at Linn Grove, Iowa, in place of B. F. Shirk. Incumbent's commission expired December 18, 1929.

Isabelle A. Boyle to be postmaster at McGregor, Iowa, in place of I. A. Boyle. Incumbent's commission expires March 25, 1930.

Harry C. Graves to be postmaster at Madrid, Iowa, in place of H. C. Graves. Incumbent's commission expires March 29, 1930.

Lynn McCracken to be postmaster at Manilla, Iowa, in place of Lynn McCracken. Incumbent's commission expired March 16, 1930.

Keith L. McClurkin to be postmaster at Morning Sun, Iowa, in place of K. L. McClurkin. Incumbent's commission expired March 16, 1930.

Marshall W. Maxey to be postmaster at Riverton, Iowa, in place of M. W. Maxey. Incumbent's commission expires March 25, 1930.

Lowrie W. Smith to be postmaster at Scranton, Iowa, in place of L. W. Smith. Incumbent's commission expires March 29, 1930.

Simon C. V. Blade to be postmaster at Stanton, Iowa, in place of S. C. V. Blade. Incumbent's commission expires March 25, 1930.

KANSAS

Bertha McClair to be postmaster at Carbondale, Kans., in place of Bertha McClair. Incumbent's commission expires March 22, 1930.

Clarence C. Cramer to be postmaster at Dighton, Kans., in place of C. C. Cramer. Incumbent's commission expires March 29, 1930.

Clarence E. Sells to be postmaster at Effingham, Kans., in place of C. E. Sells. Incumbent's commission expires March 30, 1930.

William R. Logan to be postmaster at Eskridge, Kans., in place of W. R. Logan. Incumbent's commission expires March 30, 1930.

Samuel N. Nunemaker to be postmaster at Hesston, Kans., in place of S. N. Nunemaker. Incumbent's commission expired March 16, 1930.

Wilber F. Bomgardner to be postmaster at Palco, Kans., in place of W. F. Bomgardner. Incumbent's commission expires March 30, 1930.

Harry S. Gregory to be postmaster at Pratt, Kans., in place of A. A. Cochran. Incumbent's commission expired January 18, 1930.

Eva M. Baird to be postmaster at Spearville, Kans., in place of E. M. Baird. Incumbent's commission expired March 16, 1930.

KENTUCKY

Maude E. Gatrell to be postmaster at Midway, Ky., in place of M. E. Gatrell. Incumbent's commission expires March 23, 1930.

Ray R. Allen to be postmaster at Weeksbury, Ky., in place of R. R. Allen. Incumbent's commission expired December 21, 1929.

MAINE

Charles F. Huff to be postmaster at Orrs Island, Me., in place of C. F. Huff. Incumbent's commission expired March 17, 1930.

Theresa M. Tozier to be postmaster at Patten, Me., in place of T. M. Tozier. Incumbent's commission expired March 16, 1930.

LaForest T. Spear to be postmaster at Rockport, Me., in place of L. T. Spear. Incumbent's commission expired March 17, 1930.

Robert A. Alexander to be postmaster at Saco, Me., in place of R. A. Alexander. Incumbent's commission expires March 29, 1930.

MASSACHUSETTS

Jennie L. Holbrook to be postmaster at East Douglas, Mass., in place of J. L. Holbrook. Incumbent's commission expired March 16, 1930.

L. Warren King to be postmaster at East Taunton, Mass., in place of L. W. King. Incumbent's commission expired March 16, 1930.

Frederick L. Smith to be postmaster at Haydenville, Mass., in place of F. L. Smith. Incumbent's commission expires March 30, 1930.

Doris B. Daniels to be postmaster at Shrewsbury, Mass., in place of D. B. Daniels. Incumbent's commission expired March 16, 1930.

L. Edward St. Onge to be postmaster at Ware, Mass., in place of L. E. St. Onge. Incumbent's commission expired March 16, 1930.

William E. Gibson to be postmaster at West Bridgewater, Mass., in place of W. E. Gibson. Incumbent's commission expires March 22, 1930.

Benjamin Derby to be postmaster at West Concord, Mass., in place of Benjamin Derby. Incumbent's commission expired March 16, 1930.

Thaddeus B. Fenno to be postmaster at Westminster, Mass., in place of T. B. Fenno. Incumbent's commission expires March 29, 1930.

Lester M. Blair to be postmaster at Whitinsville, Mass., in place of L. M. Blair. Incumbent's commission expired March 16, 1930.

MICHIGAN

John N. Kart to be postmaster at Augusta, Mich., in place of J. N. Kart. Incumbent's commission expires March 31, 1930.

Verl L. Amsbaugh to be postmaster at Camden, Mich., in place of V. L. Amsbaugh. Incumbent's commission expires March 25, 1930.

Fred U. O'Brien to be postmaster at Coral, Mich., in place of F. U. O'Brien. Incumbent's commission expires March 31, 1930.

Lewis J. Hough to be postmaster at Flushing, Mich., in place of L. J. Hough. Incumbent's commission expires March 27, 1930.

Richard Stephenson to be postmaster at Gladwin, Mich., in place of Richard Stephenson. Incumbent's commission expires March 27, 1930.

Otto J. Benaway to be postmaster at Lake Orion, Mich., in place of O. J. Benaway. Incumbent's commission expires March 25, 1930.

Claude E. Hyatt to be postmaster at Linden, Mich., in place of C. E. Hyatt. Incumbent's commission expires March 25, 1930.

Charles J. Gray to be postmaster at Petoskey, Mich., in place of C. J. Gray. Incumbent's commission expires March 25, 1930.

Frank J. Gravelle to be postmaster at Rapid River, Mich., in place of F. J. Gravelle. Incumbent's commission expires March 22, 1930.

Hattie B. Baltzer to be postmaster at Scottville, Mich., in place of H. B. Baltzer. Incumbent's commission expires March 25, 1930.

George W. Davis to be postmaster at Tekonsha, Mich., in place of G. W. Davis. Incumbent's commission expires March 22, 1930.

Grover J. Powell to be postmaster at Washington, Mich., in place of G. J. Powell. Incumbent's commission expires March 25, 1930.

MINNESOTA

William F. Bischoff to be postmaster at Bigfork, Minn., in place of W. F. Bischoff. Incumbent's commission expired March 18, 1930.

Daniel H. Hill to be postmaster at Cook, Minn., in place of D. H. Hill. Incumbent's commission expired March 18, 1930.

Berten E. Rollins to be postmaster at Lamberton, Minn., in place of B. E. Rollins. Incumbent's commission expires March 30, 1930.

Annie E. Dobie to be postmaster at Newport, Minn., in place of A. E. Dobie. Incumbent's commission expired March 18, 1930.

MISSOURI

Everett L. Griffin to be postmaster at Aldrich, Mo., in place of E. L. Griffin. Incumbent's commission expires March 30, 1930.

Omar M. Drysdale to be postmaster at Amoret, Mo., in place of O. M. Drysdale. Incumbent's commission expired March 16, 1930.

Lester C. Snoddy to be postmaster at Ash Grove, Mo., in place of L. C. Snoddy. Incumbent's commission expires March 23, 1930.

Edward Early to be postmaster at Baring, Mo., in place of Edward Early. Incumbent's commission expires March 23, 1930.

William H. Lerbs to be postmaster at Berger, Mo., in place of W. H. Lerbs. Incumbent's commission expired March 16, 1930.

Colmore Gray to be postmaster at Billings, Mo., in place of Colmore Gray. Incumbent's commission expired March 16, 1930.

Hezekiah K. Harris to be postmaster at Blackwater, Mo., in place of H. K. Harris. Incumbent's commission expires March 30, 1930.

Russell E. Worth to be postmaster at Bogard, Mo., in place of R. E. Worth. Incumbent's commission expires March 29, 1930.

Elias K. Horine to be postmaster as Cassville, Mo., in place of E. K. Horine. Incumbent's commission expired March 16, 1930.

Alfred G. Neville to be postmaster at Eldon, Mo., in place of A. G. Neville. Incumbent's commission expired March 16, 1930.

Ralph E. Carr to be postmaster at Eminence, Mo., in place of R. E. Carr. Incumbent's commission expired March 16, 1930.

Denver Johnston to be postmaster at Grant City, Mo., in place of D. C. Simons, resigned.

Lewis E. Nicholson to be postmaster at Green Ridge, Mo., in place of L. E. Nicholson. Incumbent's commission expires March 29, 1930.

James P. Scott to be postmaster at Kahoka, Mo., in place of J. P. Scott. Incumbent's commission expires March 29, 1930.

Carl F. Sayles to be postmaster at Laclede, Mo., in place of C. F. Sayles. Incumbent's commission expires March 25, 1930.

Albert G. Reeves to be postmaster at Lucerne, Mo., in place of A. G. Reeves. Incumbent's commission expires March 23, 1930.

Robert W. Wiseman to be postmaster at Maywood, Mo., in place of R. W. Wiseman. Incumbent's commission expires March 30, 1930.

James H. Somerville to be postmaster at Mercer, Mo., in place of J. H. Somerville. Incumbent's commission expired March 16, 1930.

Glenn S. Elliston to be postmaster at Montrose, Mo., in place of G. S. Elliston. Incumbent's commission expired March 16, 1930.

John E. Swearingen to be postmaster at New Bloomfield, Mo., in place of J. E. Swearingen. Incumbent's commission expired March 16, 1930.

Elsie A. Burch to be postmaster at Parnell, Mo., in place of E. A. Burch. Incumbent's commission expires March 30, 1930.

Hubert Lamb to be postmaster at Pineville, Mo., in place of Hubert Lamb. Incumbent's commission expires March 23, 1930.

Joseph G. Gresham to be postmaster at Queen City, Mo., in place of J. G. Gresham. Incumbent's commission expires March 23, 1930.

James D. A. Hood, jr., to be postmaster at Republic, Mo., in place of J. D. A. Hood, jr. Incumbent's commission expired March 16, 1930.

Harland F. Kleppinger to be postmaster at Rockville, Mo., in place of H. F. Kleppinger. Incumbent's commission expired March 16, 1930.

Benjamin F. Northcott to be postmaster at Sumner, Mo., in place of B. F. Northcott. Incumbent's commission expired March 16, 1930.

May Venard to be postmaster at Tina, Mo., in place of May Venard. Incumbent's commission expired March 16, 1930.

Clarice C. Lloyd to be postmaster at Valley Park, Mo., in place of C. C. Lloyd. Incumbent's commission expires March 23, 1930.

Charles O. Vaughn to be postmaster at Weaubleau, Mo., in place of C. O. Vaughn. Incumbent's commission expires March 25, 1930.

MONTANA

Leontine M. Turco to be postmaster at Absarokee, Mont., in place of L. M. Turco. Incumbent's commission expires March 30, 1930.

Henry O. Woare to be postmaster at Chester, Mont., in place of H. O. Woare. Incumbent's commission expired March 16, 1930.

James S. Honnold to be postmaster at Joliet, Mont., in place of J. S. Honnold. Incumbent's commission expires March 23, 1930.

Sidney Bennett to be postmaster at Scobey, Mont., in place of Sidney Bennett. Incumbent's commission expired March 16, 1930.

James N. Starbuck to be postmaster at Valier, Mont., in place of J. N. Starbuck. Incumbent's commission expires March 30, 1930.

NEBRASKA

Charles E. Beals to be postmaster at Crete, Nebr., in place of Henry Eichelberger. Incumbent's commission expired December 16, 1929.

Charles Leu to be postmaster at Elkhorn, Nebr., in place of Charles Leu. Incumbent's commission expires March 23, 1930.

Francis E. Davis to be postmaster at Homer, Nebr., in place of F. E. Davis. Incumbent's commission expires March 30, 1930.

Philip Stein to be postmaster at Plainview, Nebr., in place of Philip Stein. Incumbent's commission expires March 23, 1930.

NEVADA

Lucy A. Gates to be postmaster at Eureka, Nev., in place of L. A. Gates. Incumbent's commission expires March 30, 1930.

Bert M. Weaver to be postmaster at Goldfield, Nev., in place of B. M. Weaver. Incumbent's commission expires March 25, 1930.

NEW HAMPSHIRE

Fred T. Wilson to be postmaster at Alton Bay, N. H., in place of F. T. Wilson. Incumbent's commission expires March 30, 1930.

Albert C. Cochran to be postmaster at Andover, N. H., in place of A. C. Cochran. Incumbent's commission expires March 27, 1930.

Webb Little to be postmaster at Campton, N. H., in place of Webb Little. Incumbent's commission expires March 22, 1930.

Dana B. Rounds to be postmaster at Hill, N. H., in place of D. B. Rounds. Incumbent's commission expires March 27, 1930.

Samuel G. Blaisdell to be postmaster at Milton, N. H., in place of S. G. Blaisdell. Incumbent's commission expires March 22, 1930.

Enoch F. Stevens to be postmaster at Raymond, N. H., in place of E. F. Stevens. Incumbent's commission expires March 30, 1930.

Anna M. Rolfe to be postmaster at Salem Depot, N. H., in place of A. M. Rolfe. Incumbent's commission expires March 30, 1930.

NEW JERSEY

Charles Keiderling, jr., to be postmaster at Belmar, N. J., in place of G. G. Titus. Incumbent's commission expired January 30, 1930.

Harry T. Hagaman to be postmaster at Lakewood, N. J., in place of H. T. Hagaman. Incumbent's commission expires March 22, 1930.

William O. Schoenheit to be postmaster at Long Valley, N. J., in place of W. O. Schoenheit. Incumbent's commission expires March 25, 1930.

Frank E. Marinaccio to be postmaster at Madison, N. J., in place of F. E. Marinaccio. Incumbent's commission expires March 25, 1930.

Charles G. Melick to be postmaster at Milford, N. J., in place of C. G. Melick. Incumbent's commission expires March 31, 1930.

Rae B. Cook to be postmaster at Mount Arlington, N. J., in place of R. B. Cook. Incumbent's commission expires March 25, 1930.

Harold Chafey to be postmaster at Point Pleasant, N. J., in place of Harold Chafey. Incumbent's commission expires March 25, 1930.

NEW MEXICO

Elizabeth A. Gumm to be postmaster at Carrizozo, N. Mex., in place of E. A. Gumm. Incumbent's commission expires March 30, 1930.

Charles Neustadt to be postmaster at Grant, N. Mex., in place of Charles Neustadt. Incumbent's commission expires March 27, 1930.

NEW YORK

La Dette G. Elwood to be postmaster at Alden, N. Y., in place of L. G. Elwood. Incumbent's commission expires March 25, 1930.

Moses W. Drake to be postmaster at Bay Shore, N. Y., in place of M. W. Drake. Incumbent's commission expires March 30, 1930.

William J. Scott to be postmaster at Black River, N. Y., in place of W. J. Scott. Incumbent's commission expires March 22, 1930.

Hugh M. Hall to be postmaster at Cassadaga, N. Y., in place of H. M. Hall. Incumbent's commission expires March 22, 1930.

Frederick M. Avery to be postmaster at Cold Water, N. Y., in place of F. M. Avery. Incumbent's commission expired February 6, 1930.

Lincoln G. Hawn to be postmaster at Evans Mills, N. Y., in place of L. G. Hawn. Incumbent's commission expires March 22, 1930.

Abram L. Van Horne to be postmaster at Fultonville, N. Y., in place of A. L. Van Horne. Incumbent's commission expires March 30, 1930.

Wilbur A. VanDuzee to be postmaster at Gouverneur, N. Y., in place of W. A. VanDuzee. Incumbent's commission expires March 29, 1930.

Harold W. Smith to be postmaster at Great Neck, N. Y., in place of H. W. Smith. Incumbent's commission expires March 29, 1930.

Robert H. MacNaught to be postmaster at Hobart, N. Y., in place of R. H. MacNaught. Incumbent's commission expires March 25, 1930.

Charles R. Merrill to be postmaster at Homer, N. Y., in place of C. R. Merrill. Incumbent's commission expires March 30, 1930.

George A. Case to be postmaster at Honeoye Falls, N. Y., in place of G. A. Case. Incumbent's commission expires March 30, 1930.

Joseph P. Fallon to be postmaster at Irvington, N. Y., in place of J. P. Fallon. Incumbent's commission expired December 21, 1929.

Lewis O. Wilson to be postmaster at Long Beach, N. Y., in place of L. O. Wilson. Incumbent's commission expired March 16, 1930.

Frederick J. Sheldon to be postmaster at Lyons Falls, N. Y., in place of F. J. Sheldon. Incumbent's commission expires March 30, 1930.

Benjamin S. Helmer to be postmaster at Mohonk Lake, N. Y., in place of B. S. Helmer. Incumbent's commission expires March 22, 1930.

Fred C. Stadler to be postmaster at Pleasantville, N. Y., in place of F. C. Stadler. Incumbent's commission expires March 30, 1930.

Robert L. Wilcox to be postmaster at Port Leyden, N. Y., in place of R. L. Wilcox. Incumbent's commission expires March 25, 1930.

Gilford L. Hadley to be postmaster at Sandy Creek, N. Y., in place of G. L. Hadley. Incumbent's commission expires March 22, 1930.

Harrison M. Russell to be postmaster at Staatsburg, N. Y., in place of H. M. Russell. Incumbent's commission expires March 30, 1930.

Willis J. Stone to be postmaster at West Chazy, N. Y., in place of W. J. Stone. Incumbent's commission expired February 18, 1930.

Scott E. Phinney to be postmaster at Westport, N. Y., in place of S. E. Phinney. Incumbent's commission expires March 22, 1930.

Albert Van Essendelft to be postmaster at West Sayville, N. Y., in place of Albert Van Essendelft. Incumbent's commission expires March 30, 1930.

Wilma B. Scott to be postmaster at West Valley, N. Y., in place of W. B. Scott. Incumbent's commission expires March 25, 1930.

NORTH CAROLINA

Lawson M. Almond to be postmaster at Albemarle, N. C., in place of L. M. Almond. Incumbent's commission expires March 23, 1930.

Minnie T. Moore to be postmaster at Atkinson, N. C., in place of M. T. Moore. Incumbent's commission expires March 23, 1930.

Wayne E. Bailey to be postmaster at Chadbourn, N. C., in place of W. E. Bailey. Incumbent's commission expires March 23, 1930.

Robert O. Smith to be postmaster at Creedmoor, N. C., in place of R. O. Smith. Incumbent's commission expired March 16, 1930.

Otis M. Davis to be postmaster at Fremont, N. C., in place of O. M. Davis. Incumbent's commission expires March 29, 1930.

Robert F. Blevins to be postmaster at Jefferson, N. C., in place of R. F. Blevins. Incumbent's commission expires March 29, 1930.

Walter H. Finch to be postmaster at Kittrell, N. C., in place of W. H. Finch. Incumbent's commission expires March 29, 1930.

Malpheus F. Hinshaw to be postmaster at Randleman, N. C., in place of M. F. Hinshaw. Incumbent's commission expires March 25, 1930.

Mack H. Brantley to be postmaster at Spring Hope, N. C., in place of M. H. Brantley. Incumbent's commission expires March 29, 1930.

NORTH DAKOTA

George Klier, jr., to be postmaster at Bisbee, N. Dak., in place of George Klier, jr. Incumbent's commission expires March 25, 1930.

Charles E. Harding to be postmaster at Churchs Ferry, N. Dak., in place of C. E. Harding. Incumbent's commission expires March 23, 1930.

Charles A. Jordan to be postmaster at Cogswell, N. Dak., in place of C. A. Jordan. Incumbent's commission expires March 25, 1930.

John H. Bolton to be postmaster at Fairmount, N. Dak., in place of J. H. Bolton. Incumbent's commission expires March 31, 1930.

Anna A. Bjornson to be postmaster at Kulm, N. Dak., in place of A. A. Bjornson. Incumbent's commission expires March 23, 1930.

Anthony Hentges to be postmaster at Michigan, N. Dak., in place of Anthony Hentges. Incumbent's commission expires March 23, 1930.

Abbie I. Boyd to be postmaster at Pingree, N. Dak., in place of A. I. Boyd. Incumbent's commission expired March 17, 1930.

John K. Diehm to be postmaster at Schafer, N. Dak., in place of J. K. Diehm. Incumbent's commission expires March 25, 1930.

Jennie E. Smith to be postmaster at Steele, N. Dak., in place of J. E. Smith. Incumbent's commission expired December 18, 1929.

OHIO

Egbert H. Phelps to be postmaster at Andover, Ohio, in place of E. H. Phelps. Incumbent's commission expired March 16, 1930.

Nellie E. Beam to be postmaster at Ansonia, Ohio, in place of N. E. Beam. Incumbent's commission expires March 25, 1930.

Jacob W. Simon to be postmaster at Bloomdale, Ohio, in place of J. W. Simon. Incumbent's commission expires March 25, 1930.

Frank M. McCoy to be postmaster at Bloomingburg, Ohio, in place of F. M. McCoy. Incumbent's commission expired March 16, 1930.

James F. Bumpus to be postmaster at Butler, Ohio, in place of J. F. Bumpus. Incumbent's commission expires March 22, 1930.

James B. Jones to be postmaster at Canfield, Ohio, in place of J. B. Jones. Incumbent's commission expires March 25, 1930.

Vashti Wilson to be postmaster at Corning, Ohio, in place of Vashti Wilson. Incumbent's commission expires March 25, 1930.

Mary B. Wanamaker to be postmaster at Cortland, Ohio, in place of M. B. Wanamaker. Incumbent's commission expires March 22, 1930.

William R. Poulson to be postmaster at Holgate, Ohio, in place of W. R. Poulson. Incumbent's commission expires March 25, 1930.

Franklin H. Smalley to be postmaster at Jeromesville, Ohio, in place of F. H. Smalley. Incumbent's commission expires March 22, 1930.

Cortelle B. Hamilton to be postmaster at Kinsman, Ohio, in place of C. B. Hamilton. Incumbent's commission expired March 16, 1930.

Orlow H. Wertenberger to be postmaster at Leroy, Ohio, in place of O. H. Wertenberger. Incumbent's commission expires March 27, 1930.

William T. Sprankel to be postmaster at New Straitsville, Ohio, in place of W. T. Sprankel. Incumbent's commission expired March 16, 1930.

Albert W. Davis to be postmaster at Norwalk, Ohio, in place of A. W. Davis. Incumbent's commission expires March 25, 1930.

John C. Caldwell to be postmaster at Oxford, Ohio, in place of J. C. Caldwell. Incumbent's commission expires March 27, 1930.

Ralph D. Fishburn to be postmaster at Piketon, Ohio, in place of W. A. Cooper. Incumbent's commission expired December 17, 1929.

Fred J. Wolfe to be postmaster at Quaker City, Ohio, in place of F. J. Wolfe. Incumbent's commission expires March 25, 1930.

Florence S. Van Gorder to be postmaster at Warren, Ohio, in place of F. S. Van Gorder. Incumbent's commission expires March 27, 1930.

Benjamin E. Westwood to be postmaster at Youngstown, Ohio, in place of B. E. Westwood. Incumbent's commission expires March 27, 1930.

OKLAHOMA

John K. Miller to be postmaster at Apache, Okla., in place of J. K. Miller. Incumbent's commission expired March 16, 1930.

Grace L. Taylor to be postmaster at Blair, Okla., in place of G. L. Taylor. Incumbent's commission expired March 16, 1930.

William N. Williams to be postmaster at Broken Arrow, Okla., in place of W. N. Williams. Incumbent's commission expired March 16, 1930.

Jasper A. Bartley to be postmaster at Choteau, Okla., in place of J. A. Bartley. Incumbent's commission expired March 16, 1930.

LeRoy K. Butts to be postmaster at El Reno, Okla., in place of L. K. Butts. Incumbent's commission expires March 29, 1930.

James W. Elliott to be postmaster at Fairland, Okla., in place of J. W. Elliott. Incumbent's commission expires March 29, 1930.

James W. Hinson to be postmaster at Fletcher, Okla., in place of J. W. Hinson. Incumbent's commission expired March 16, 1930.

Joseph J. Atteberry to be postmaster at Gould, Okla., in place of J. J. Atteberry. Incumbent's commission expires March 29, 1930.

Merrel L. Thompson to be postmaster at Hartshorne, Okla., in place of M. L. Thompson. Incumbent's commission expires March 25, 1930.

Frances Townsend to be postmaster at McLoud, Okla., in place of Frances Townsend. Incumbent's commission expired March 16, 1930.

Edward McKim to be postmaster at Prague, Okla., in place of Edward McKim. Incumbent's commission expired March 10, 1930.

John D. Morrison to be postmaster at Red Oak, Okla., in place of J. D. Morrison. Incumbent's commission expired March 16, 1930.

Albert L. Snyder to be postmaster at Three Sands, Okla., in place of A. L. Snyder. Incumbent's commission expires March 29, 1930.

Roscoe C. Fleming to be postmaster at Tishomingo, Okla., in place of R. C. Fleming. Incumbent's commission expires March 25, 1930.

OREGON

Elsie R. Johnson to be postmaster at Florence, Oreg., in place of E. R. Johnson. Incumbent's commission expires March 23, 1930.

PENNSYLVANIA

Erma E. Moyer to be postmaster at Bechtelsville, Pa., in place of E. E. Moyer. Incumbent's commission expires March 23, 1930.

Dolph T. Lindley to be postmaster at Canton, Pa., in place of D. T. Lindley. Incumbent's commission expired March 16, 1930.

George H. Beadling to be postmaster at Castle Shannon, Pa., in place of G. H. Beadling. Incumbent's commission expired January 13, 1930.

Fred F. Duke to be postmaster at Clifton Heights, Pa., in place of F. F. Duke. Incumbent's commission expired March 16, 1930.

Samuel W. Hodgson to be postmaster at Cochranville, Pa., in place of S. W. Hodgson. Incumbent's commission expired March 16, 1930.

Thomas H. Probert to be postmaster at Hazleton, Pa., in place of T. H. Probert. Incumbent's commission expires March 23, 1930.

John A. Balsbaugh to be postmaster at Hershey, Pa., in place of J. A. Balsbaugh. Incumbent's commission expired March 6, 1930.

Henry J. Maier to be postmaster at Locust Gap, Pa. Office became presidential July 1, 1928.

James R. Davis to be postmaster at McAlisterville, Pa., in place of J. R. Davis. Incumbent's commission expires March 23, 1930.

William Rosemergy to be postmaster at Mayfield, Pa., in place of William Rosemergy. Incumbent's commission expired March 16, 1930.

Lewis H. Blanc to be postmaster at New Salem, Pa., in place of L. H. Blanc. Incumbent's commission expired March 17, 1930.

Claude E. Savidge to be postmaster at Northumberland, Pa., in place of C. E. Savidge. Incumbent's commission expires March 26, 1930.

Daniel L. Kauffman to be postmaster at Oley, Pa., in place of D. L. Kauffman. Incumbent's commission expires March 29, 1930.

RHODE ISLAND

Henry D. Banks to be postmaster at East Greenwich, R. I., in place of H. D. Banks. Incumbent's commission expires March 27, 1930.

Florence E. Booth to be postmaster at Oakland Beach, R. I., in place of F. E. Booth. Incumbent's commission expires March 31, 1930.

Samuel Seabury, 2d., to be postmaster at Tiverton, R. I., in place of Samuel Seabury, 2d. Incumbent's commission expires March 27, 1930.

SAMOA

David J. McMullin to be postmaster at Pago Pago, Samoa, in place of D. J. McMullin. Incumbent's commission expires March 22, 1930.

SOUTH CAROLINA

Clyde H. Culbreth to be postmaster at Landrum, S. C., in place of C. H. Culbreth. Incumbent's commission expires March 25, 1930.

SOUTH DAKOTA

William J. Ryan to be postmaster at Bridgewater, S. Dak., in place of W. J. Ryan. Incumbent's commission expired March 16, 1930.

Frank Bowman to be postmaster at Eagle Butte, S. Dak., in place of Frank Bowman. Incumbent's commission expires March 29, 1930.

Cecil L. Adams to be postmaster at Frankfort, S. Dak., in place of C. L. Adams. Incumbent's commission expires March 29, 1930.

Harley H. Cable to be postmaster at Hudson, S. Dak., in place of H. H. Cable. Incumbent's commission expires March 29, 1930.

Sidney N. Dorwin to be postmaster at Midland, S. Dak., in place of S. N. Dorwin. Incumbent's commission expires March 29, 1930.

Mary G. Bromwell to be postmaster at Mount Vernon, S. Dak., in place of M. G. Bromwell. Incumbent's commission expires March 29, 1930.

Melville C. Burnham to be postmaster at Murdo, S. Dak., in place of M. C. Burnham. Incumbent's commission expires March 29, 1930.

Glenn H. Auld to be postmaster at Plankinton, S. Dak., in place of G. H. Auld. Incumbent's commission expires March 29, 1930.

James Gaynor to be postmaster at Springfield, S. Dak., in place of James Gaynor. Incumbent's commission expires March 29, 1930.

John D. Smull to be postmaster at Summit, S. Dak., in place of J. D. Smull. Incumbent's commission expires March 29, 1930.

TENNESSEE

Allison Z. Hodges to be postmaster at Bethpage, Tenn., in place of A. Z. Hodges. Incumbent's commission expired January 18, 1930.

Myrtle Rodgers to be postmaster at White Bluffs, Tenn., in place of Myrtle Rodgers. Incumbent's commission expired March 1, 1930.

TEXAS

Charles E. Wood to be postmaster at Alto, Tex., in place of C. E. Wood. Incumbent's commission expires March 29, 1930.

Emma L. McLaughlin to be postmaster at Blanket, Tex., in place of E. L. McLaughlin. Incumbent's commission expires March 25, 1930.

James W. Griffin to be postmaster at Desdemona, Tex., in place of J. W. Griffin. Incumbent's commission expires March 29, 1930.

Frank W. Dusek to be postmaster at Flatonia, Tex., in place of F. W. Dusek. Incumbent's commission expires March 25, 1930.

William D. McGown to be postmaster at Hemphill, Tex., in place of W. D. McGown. Incumbent's commission expires March 25, 1930.

Martha A. Luccock to be postmaster at Keene, Tex., in place of M. A. Luccock. Incumbent's commission expires March 30, 1930.

John E. Clarke to be postmaster at Knox City, Tex., in place of J. E. Clarke. Incumbent's commission expires March 30, 1930.

Leonard M. Kealy to be postmaster at Lewisville, Tex., in place of L. M. Kealy. Incumbent's commission expires March 25, 1930.

Wilmer D. Randolph to be postmaster at Menard, Tex., in place of W. D. Randolph. Incumbent's commission expires March 29, 1930.

Shirley P. Cox to be postmaster at Mobeetie, Tex., in place of S. P. Cox. Incumbent's commission expires March 22, 1930.

Silas T. Compton to be postmaster at Mount Enterprise, Tex., in place of S. T. Compton. Incumbent's commission expired March 16, 1930.

Sidney J. Eaton to be postmaster at Mullin, Tex., in place of S. J. Eaton. Incumbent's commission expires March 22, 1930.

William F. Neal to be postmaster at Overton, Tex., in place of W. F. Neal. Incumbent's commission expires March 25, 1930.

Joseph E. Willis to be postmaster at Rochelle, Tex., in place of J. E. Willis. Incumbent's commission expired March 16, 1930.

John Plummer to be postmaster at Thurber, Tex., in place of John Plummer. Incumbent's commission expires March 29, 1930.

UTAH

Anna M. Long to be postmaster of Marysvale, Utah, in place of A. M. Long. Incumbent's commission expired February 26, 1930.

VIRGINIA

Alexander L. Martin to be postmaster at Catawba Sanatorium, Va., in place of A. L. Martin. Incumbent's commission expired March 16, 1930.

James W. Milton to be postmaster at Eagle Rock, Va., in place of J. W. Milton. Incumbent's commission expired March 16, 1930.

Norman V. Fitzwater to be postmaster at Elkton, Va., in place of N. V. Fitzwater. Incumbent's commission expired March 16, 1930.

Ernest A. de Bordenave to be postmaster at Franklin, Va., in place of E. A. de Bordenave. Incumbent's commission expired March 16, 1930.

Griffith S. Marchant to be postmaster at Mathews, Va., in place of G. S. Marchant. Incumbent's commission expired March 17, 1930.

Daisy D. Curry to be postmaster at Monterey, Va., in place of D. D. Curry. Incumbent's commission expired March 16, 1930.

James E. Johnson to be postmaster at New Church, Va., in place of J. E. Johnson. Incumbent's commission expired March 16, 1930.

George E. Jones to be postmaster at Painter, Va., in place of G. E. Jones. Incumbent's commission expired March 17, 1930.

Frank M. Phillips to be postmaster at Shenandoah, Va., in place of F. M. Phillips. Incumbent's commission expired March 16, 1930.

James L. Bailey to be postmaster at Stanley, Va., in place of J. L. Bailey. Incumbent's commission expires March 22, 1930.

Lee S. Wolfe to be postmaster at South Boston, Va., in place of L. S. Wolfe. Incumbent's commission expired March 16, 1930.

John W. Layman to be postmaster at Troutville, Va., in place of J. W. Layman. Incumbent's commission expired March 16, 1930.

Frank J. Garland to be postmaster at Warsaw, Va., in place of F. J. Garland. Incumbent's commission expired March 16, 1930.

VIRGIN ISLANDS

R. H. Amphlett Leader to be postmaster at Frederiksted, Virgin Islands, in place of R. H. A. Leader. Incumbent's commission expires March 22, 1930.

WASHINGTON

Jesse Simmons to be postmaster at Carnation, Wash., in place of Jesse Simmons. Incumbent's commission expired March 16, 1930.

Eugene J. Edson to be postmaster at Coulee, Wash., in place of E. J. Edson. Incumbent's commission expires March 22, 1930.

George M. Mathis to be postmaster at Granger, Wash., in place of G. M. Mathis. Incumbent's commission expires March 30, 1930.

George L. Deu Pree to be postmaster at Marysville, Wash., in place of G. L. Deu Pree. Incumbent's commission expires March 22, 1930.

Elias J. Eliason to be postmaster at Poulsbo, Wash., in place of E. J. Eliason. Incumbent's commission expired March 2, 1930.

William H. Padley to be postmaster at Reardan, Wash., in place of W. H. Padley. Incumbent's commission expired March 16, 1930.

Henry R. James to be postmaster at Rochester, Wash., in place of H. R. James. Incumbent's commission expired March 16, 1930.

Orie G. Scott to be postmaster at Tekoa, Wash., in place of O. G. Scott. Incumbent's commission expired March 16, 1930.

Andrew J. Diedrich to be postmaster at Valley, Wash., in place of A. J. Diedrich. Incumbent's commission expires March 30, 1930.

Everett E. Cox to be postmaster at Wapato, Wash., in place of E. E. Cox. Incumbent's commission expires March 22, 1930.

WEST VIRGINIA

Lucius Hoge, jr., to be postmaster at Clarksburg, W. Va., in place of J. J. Denham. Incumbent's commission expired December 17, 1929.

Omar G. Robinson to be postmaster at Summersville, W. Va., in place of O. G. Robinson. Incumbent's commission expired March 18, 1930.

John W. Mitchell to be postmaster at Wayne, W. Va., in place of J. W. Mitchell. Incumbent's commission expires March 25, 1930.

WISCONSIN

Edward K. Cunningham to be postmaster at Berlin, Wis., in place of E. K. Cunningham. Incumbent's commission expires March 31, 1930.

Illma Dugal to be postmaster at Cadott, Wis., in place of Illma Dugal. Incumbent's commission expires March 23, 1930.

Charles J. Anderson to be postmaster at Clayton, Wis., in place of C. J. Anderson. Incumbent's commission expires March 29, 1930.

William A. Roblier to be postmaster at Coloma, Wis., in place of W. A. Roblier. Incumbent's commission expires March 23, 1930.

John W. Crandall to be postmaster at Deerbrook, Wis., in place of J. W. Crandall. Incumbent's commission expired March 16, 1930.

Michael C. Keasling to be postmaster at Exeland, Wis., in place of M. C. Keasling. Incumbent's commission expired March 16, 1930.

George B. Aschenbrener to be postmaster at Fifield, Wis., in place of G. B. Aschenbrener. Incumbent's commission expired March 16, 1930.

Roy E. Lawler to be postmaster at Gordon, Wis., in place of R. E. Lawler. Incumbent's commission expires March 23, 1930.

John T. Johnson to be postmaster at Hollandale, Wis., in place of J. T. Johnson. Incumbent's commission expires March 29, 1930.

Matthew H. Schlosser to be postmaster at Knapp, Wis., in place of M. H. Schlosser. Incumbent's commission expires March 31, 1930.

William L. Chesley to be postmaster at Lena, Wis., in place of W. L. Chesley. Incumbent's commission expires March 23, 1930.

Albert W. Priess to be postmaster at Maiden Rock, Wis., in place of A. W. Priess. Incumbent's commission expires March 29, 1930.

Martin A. Hanson to be postmaster at Menomonie, Wis., in place of M. A. Hanson. Incumbent's commission expires March 31, 1930.

Albert H. Anderson to be postmaster at Nelson, Wis., in place of A. H. Anderson. Incumbent's commission expires March 31, 1930.

Arnold E. Langemak to be postmaster at Sawyer, Wis., in place of A. E. Langemak. Incumbent's commission expires March 31, 1930.

Fred S. Thompson to be postmaster at Superior, Wis., in place of F. S. Thompson. Incumbent's commission expires March 23, 1930.

Elmer O. Trickey to be postmaster at Vesper, Wis., in place of E. O. Trickey. Incumbent's commission expires March 26, 1930.

Chester A. Minshall to be postmaster at Viroqua, Wis., in place of C. A. Minshall. Incumbent's commission expired March 16, 1930.

Carl R. Anderson to be postmaster at Weyerhauser, Wis., in place of C. R. Anderson. Incumbent's commission expired March 16, 1930.

WYOMING

Margaret S. Flatter to be postmaster at Diamondville, Wyo., in place of M. S. Flatter. Incumbent's commission expires March 31, 1930.

Charles M. Hett to be postmaster at Thermopolis, Wyo., in place of C. M. Hett. Incumbent's commission expires March 29, 1930.

WITHDRAWAL

Executive nomination withdrawn from the Senate March 21 (legislative day of January 6), 1930

POSTMASTER

Claude W. McDaniel to be postmaster at Martinsville, in the State of Illinois.

HOUSE OF REPRESENTATIVES

FRIDAY, *March 21, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, behold us with Thine eyes, whose power is love, and cause our innermost selves to have dominion over our outermost selves. We are so unworthy; we are so poor in the things in which Thou desirest us to be rich that we deserve Thy reproach. Take our whole natures and inspire them to follow Thee in all earnestness and devotion. If any are burdened with discouragement, sustain them. We thank Thee that the infinite heart, which is sovereign over all things in heaven above and in the earth beneath, loves us, even unto our weakness and affliction, and will help us carry our burdens unto the end. Through Christ our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 8705. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Rock River at or near Prophetstown, Ill.;

H. R. 8706. An act to legalize a bridge across the Pecatonica River at Freeport, Ill.;

H. R. 8970. An act granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River on Ashland Avenue near One hundred and thirty-fourth Street, in Cook County, State of Illinois;

H. R. 8971. An act granting the consent of Congress to the State of Illinois to widen, maintain, and operate the existing bridge across the Little Calumet River on Halsted Street near One hundred and forty-fifth Street, in Cook County, State of Illinois; and

H. R. 8972. An act granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River on Ashland Avenue near One hundred and fortieth Street, in Cook County, State of Illinois.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 143. Joint resolution creating a commission to prepare plans for a monument in the city of Washington commemorating the achievements of Orville and Wilbur Wright in the development of aviation.

LEAVE TO ADDRESS THE HOUSE

Mr. FREAR. Mr. Speaker, I ask unanimous consent that I may address the House for half an hour at the conclusion of the regular order and the disposition of business on the Speaker's table next Monday.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that on next Monday at the conclusion of the remarks of the gentleman from Iowa [Mr. RAMSEYER], he may address the House for 30 minutes. Is there objection?

There was no objection.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to speak out of order for five minutes.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House for five minutes. Is there objection?

Mr. PARKER. Reserving the right to object, I am sorry, but I shall have to object to anybody speaking this morning.

Mr. HOWARD. I yield to the gag. [Laughter.]

RESTORATION OF THE FRIGATE "CONSTITUTION"

Mr. FRENCH. Mr. Speaker, I ask unanimous consent to take from the Union Calendar House Joint Resolution 264, making an appropriation to complete the restoration of the frigate *Constitution*, and consider the same.

Mr. PARKER. Reserving the right to object, if this is going to take any time, I shall object to it.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the title to the resolution.

Mr. GARNER. Mr. Speaker, does the Chair consider this as an emergency that should be taken up out of order?

The SPEAKER. The Chair agreed to recognize the gentleman from Idaho some days ago on the bill. The gentleman from Idaho stated at that time that he regarded it as an emergency; and from his statement the Chair thinks it is an emergency.

Mr. GARNER. Mr. Speaker, what is the emergency? Why can not this come up and be considered on the Consent Calendar in the regular way, like other legislation.

Mr. FRENCH. Mr. Speaker, the reason the committee feels that this ought to be considered as an emergency is because if we fail to pass the measure at this time the group of men who are employed upon the *Constitution*, numbering between 90 and 100, will be disassembled on account of suspension of work. They have been drawn together from New England States and elsewhere. Assuming that the work will go forward at some time, as, of course, it will, it would mean greater expense if we permit it to be suspended for an indefinite period. We think the work ought not to stop, but that it should go forward.

Mr. GARNER. Has the gentleman consulted with the gentleman from Wisconsin [Mr. SCHAFER], who objected to this the day before yesterday?

Mr. FRENCH. I have talked to the gentleman from Wisconsin; yes.

Mr. GARNER. And it is entirely satisfactory to him?

Mr. FRENCH. He has advised me that he desires to withdraw his objection.

Mr. GARNER. It is entirely satisfactory to the gentleman from Wisconsin?

Mr. FRENCH. I think it is. I see the gentleman entering the Chamber now, and he may desire to be heard.

Mr. HOWARD. Mr. Speaker, reserving the right to object, I hope that my leader, the gentleman from Texas [Mr. GARNER], will not object, because from the statement made it would seem that if we can pass this bill it will in a measure relieve the sad situation of unemployment in New England.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, I have been detained for a moment in a committee meeting. One of the reasons why I objected to this bill day before yesterday was because I believed that we should not take up a bill appropriating $300,000 from the Treasury out of order by unanimous consent, without any advance notice. Following my objection I have had an opportunity to go back to the original enactment and study the situation. I find that the original act as passed by the Senate provided for a much larger Federal appropriation than the resolution now under consideration. I also find that there was no debate on the floor of the House to the effect that the passage of the original act would not result in later appropriations from the Treasury such as we have found in many similar instances. I have had the opportunity of going over the situation very carefully with the gentleman from Idaho [Mr. FRENCH], who is presenting the request, and also with the gentleman from Massachusetts [Mr. UNDERHILL]. I withdraw my objection, and I am very glad to do so after having had the opportunity to investigate and obtain facts.

The SPEAKER. Is there objection?

Mr. DYER. Mr. Speaker, reserving the right to object, I hesitate to object, in view of what the gentleman from Idaho [Mr. FRENCH] said, but according to the report of the Secretary of Labor, we have many people out of employment. We have a building program, and we seem to be making no progress in that building program, especially in the city of Washington, as well as in many other cities. It seems to me that it is wrong to take even a small sum of money such as this out of the Treasury for building something for a souvenir, for an historical purpose.

Mr. PARKER. Mr. Speaker, I call for the regular order.

The SPEAKER. Is there objection?

Mr. DYER. If the gentleman insists, I shall have to object.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield for a moment?

Mr. PARKER. Yes.

Mr. UNDERHILL. This is not for the purpose of relieving unemployment. These men who have been employed are shipwrights and carpenters. They have been gathered from all sections of the country, because they are the only group of men who know how to handle this type of work. They have been waiting now for over two weeks without pay and paying their own expenses.

Mr. DYER. I shall not object, but I call the attention of the House to the fact that the building program is certainly not going forward in Washington and not going forward in the country. We can not get legislation through to increase the pay of men who are working on the most meager wages in the Government service.

Mr. COLE. Is not that due to the delay in the Senate?

Mr. DYER. I withdraw my objection.

Mr. SCHAFER of Wisconsin. I agree with the gentleman from Missouri and wish to state that if we do not get some of these much-needed appropriations, I think it will not be out of order to ask for their consideration by unanimous consent in the near future.

The SPEAKER. Is there objection to the present consideration of the resolution.

There was no objection.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

House Joint Resolution 264

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $300,000, to remain available until June 30, 1931, for completing the repair, equipment, and restoration of the frigate *Constitution*, as authorized by the act approved March 4, 1925 (43 Stat. L. 1278).

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

REGULATION OF MOTOR-BUS CARRIERS

Mr. PARKER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highway.

The question was taken; and on a division (demanded by Mr. RANKIN) there were—ayes 56, noes 2.

Mr. RANKIN. Mr. Speaker, I object to the vote on the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10288.

The question was taken; and there were—yeas 320, nays 14, not voting 94, as follows:

[Roll No. 16]

YEAS—320

Ackerman	Doutrich	Kading	Purnell
Adkins	Dowell	Kahn	Quin
Aldrich	Drane	Kearns	Ragon
Allen	Driver	Kelly	Rainey, Henry T.
Andresen	Dunbar	Kendall, Ky.	Ramey, Frank M.
Andrew	Dyer	Kendall, Pa.	Ramseyer
Arentz	Eaton, N. J.	Kerr	Ramspeck
Aswell	Elliott	Ketcham	Rayburn
Auf der Heide	Ellis	Kiefner	Reece
Ayres	Eslick	Kincheloe	Robinson
Bacharach	Estep	Knutson	Rogers
Bachmann	Esterly	Kopp	Rowbottom
Bacon	Evans, Calif.	Korell	Rutherford
Baird	Evans, Mont.	Kvale	Sanders, N. Y.
Barbour	Fenn	LaGuardia	Sanders, Tex.
Beedy	Finley	Lambertson	Sandlin
Beers	Fisher	Lampert	Schafer, Wis.
Blackburn	Fitzgerald	Langley	Sears
Bland	Fitzpatrick	Lankford, Ga.	Seger
Bloom	Fort	Larsen	Sieberling
Bohn	Foss	Lea, Calif.	Selvig
Bolton	Frear	Leavitt	Shaffer, Va.
Bowman	Free	Leech	Short, Mo.
Box	Freeman	Letts	Shott, W. Va.
Brand, Ga.	French	Linthicum	Shreve
Brand, Ohio	Fuller	Lozier	Simmons
Brigham	Fulmer	Luce	Simms
Browning	Gambrill	Ludlow	Sinclair
Brumm	Garber, Okla.	McClintic, Okla.	Sloan
Buchanan	Garber, Va.	McClintock, Ohio	Smith, Idaho
Burdick	Garner	McDuffie	Smith, W. Va.
Burtness	Garrett	McKeown	Snell
Busby	Gibson	McLaughlin	Snow
Butler	Gifford	McLeod	Sparks
Cable	Glover	McMillan	Speaks
Campbell, Iowa	Goldsborough	McReyolds	Sproul, Ill.
Campbell, Pa.	Goodwin	McSwain	Stafford
Canfield	Granfield	Maas	Stalker
Carter, Calif.	Green	Magrady	Stobbs
Carter, Wyo.	Greenwood	Mansfield	Stone
Cartwright	Gregory	Mapes	Strong, Kans.
Chalmers	Guyer	Martin	Strong, Pa.
Chindblom	Hadley	Mead	Summers, Wash.
Christgau	Hale	Menges	Swanson
Christopherson	Hall, Ill.	Merritt	Taber
Clague	Hall, Ind.	Michener	Tarver
Clancy	Hall, Miss.	Miller	Taylor, Tenn.
Clark, Md.	Hall, N. Dak.	Montague	Temple
Clarke, N. Y.	Halsey	Montet	Thatcher
Cochran, Mo.	Hammer	Mooney	Thompson
Cochran, Pa.	Hardy	Moore, Ky.	Thurston
Cole	Hare	Moore, Ohio	Timberlake
Collier	Hartley	Moore, Va.	Tinkham
Collins	Hastings	Morehead	Treadway
Colton	Haugen	Morgan	Tucker
Connery	Hawley	Mouser	Underhill
Connolly	Hess	Murphy	Vinson, Ga.
Cooke	Hickey	Nelson, Me.	Warren
Cooper, Ohio	Hill, Wash.	Nelson, Mo.	Wason
Cooper, Tenn.	Hoch	Newhall	Watres
Cooper, Wis.	Hoffman	Niedringhaus	Watson
Corning	Hogg	Nolan	Welch, Calif.
Cox	Holaday	O'Connell, R. I.	Welsh, Pa.
Coyle	Hooper	O'Connor, La.	Whitehead
Craddock	Hope	O'Connor, Okla.	Whitley
Crail	Hopkins	Oldfield	Whittington
Cramton	Howard	Palmer	Wigglesworth
Crisp	Hudson	Palmisano	Williams, Tex.
Cross	Hull, Morton D.	Parker	Williamson
Crosser	Hull, Wis.	Parks	Wilson
Crowther	Irwin	Patterson	Wingo
Culkin	Jenkins	Peavey	Wolfenden
Cullen	Johnson, Ind.	Perkins	Wolverton, N. J.
Dallinger	Johnson, Nebr.	Pittenger	Wolverton, W. Va.
Darrow	Johnson, Okla.	Porter	Wood
Davenport	Johnson, S. Dak.	Pou	Woodruff
Davis	Johnson, Wash.	Prall	Woodrum
Denison	Johnston, Mo.	Pratt, Harcourt J.	Wright
Dickstein	Jonas, N. C.	Pratt, Ruth	Wyant
Doughton	Jones, Tex.	Pritchard	Yon

NAYS—14

Abernethy	Briggs	Huddleston	Romjue
Allgood	Cannon	Jeffers	Steagall
Almon	Doxey	Patman	
Arnold	Hill, Ala.	Rankin	

NOT VOTING—94

Bankhead	Chase	Eaton, Colo.	Hull, Tenn.
Beck	Clark, N. C.	Edwards	Hull, William E.
Bell	Curry	Englebright	Igoe
Black	Dempsey	Fish	James
Boylan	De Priest	Gasque	Johnson, Ill.
Britten	DeRouen	Gavagan	Johnson, Tex.
Browne	Dickinson	Golder	Kemp
Brunner	Dominick	Graham	Kiess
Buckbee	Douglas, Ariz.	Griffin	Kinzer
Byrns	Douglass, Mass.	Hancock	Kunz
Carley	Doyle	Houston, Del.	Kurtz
Celler	Drewry	Hudspeth	Lanham
Lankford, Va.	O'Connell, N. Y.	Somers, N. Y.	Turpin
Lee, Tex.	O'Connor, N. Y.	Spearing	Underwood
Lehlbach	Oliver, Ala.	Sproul, Kans.	Vestal
Lindsay	Oliver, N. Y.	Stedman	Vincent, Mich.
McCormack, Mass.	Owen	Stevenson	Wainwright
McCormick, Ill.	Quayle	Sullivan, N. Y.	Walker
McFadden	Ransley	Sullivan, Pa.	White
Manlove	Reed, N. Y.	Sumners, Tex.	Wurzbach
Michaelson	Reid, Ill.	Swick	Yates
Milligan	Sabath	Swing	Zihlman
Nelson, Wis.	Schneider	Taylor, Colo.	
Norton	Sirovich	Tilson	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Tilson with Mr. Bankhead.
Mr. Vestal with Mr. Linthicum.
Mr. Graham with Mr. Drewry.
Mr. Kiess with Mr. Griffin.
Mr. Lehlbach with Mr. Lanham.
Mr. McFadden with Mr. O'Connell of New York.
Mr. Dempsey with Mr. Milligan.
Mr. Buckbee with Mr. Boylan.
Mr. Swing with Mrs. Owen.
Mr. Wurzbach with Mr. Lindsay.
Mr. Yates with Mr. Dominick.
Mr. James with Mr. Spearing.
Mr. Vincent of Michigan with Mr. Quayle.
Mr. Swick with Mr. Byrns.
Mr. Reid of Illinois with Mr. O'Connor of New York.
Mr. Browne with Mr. Stevenson.
Mr. Chase with Mr. Carley.
Mr. Reed of New York with Mr. Bell.
Mr. Wainwright with Mr. Oliver of Alabama.
Mr. William E. Hull with Mr. Somers of New York.
Mr. White with Mr. Edwards.
Mr. Johnson of Illinois with Mr. Taylor of Colorado.
Mr. Michaelson with Mr. Gavagan.
Mr. Hancock with Mr. Hull of Tennessee.
Mr. Dickinson with Mr. Sullivan of New York.
Mr. Beck with Mrs. Norton.
Mr. Ransley with Mr. Black.
Mr. De Priest with Mr. Fish.
Mr. Brigham with Mr. Kemp.
Mr. Sproul of Kansas with Mr. Celler.
Mr. Englebright with Mr. Sabath.
Mr. Britten with Mr. Igoe.
Mr. Schneider with Mr. Sumners of Texas.
Mr. Curry with Mr. Oliver of New York.
Mr. Sullivan of Pennsylvania with Mr. McCormack of Massachusetts.
Mr. Houston with Mr. Brunner.
Mr. Eaton of Colorado with Mr. DeRouen.
Mr. Turpin with Mr. Sirovich.
Mr. Golder with Mr. Underwood.
Mr. Walker with Mr. Johnson of Texas.
Mr. Zihlman with Mr. Kunz.
Mr. Kurtz with Mr. Douglas of Arizona.
Mr. Manlove with Mr. Gasque.
Mr. Nelson of Wisconsin with Mr. Lee of Texas.
Mrs. McCormick of Illinois with Mr. Douglass of Massachusetts.

The result of the vote was announced as above recorded.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10288. The gentleman from Michigan [Mr. MICHENER] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10288, with Mr. MICHENER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10288, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

Mr. DENISON. Mr. Chairman, I ask unanimous consent to proceed for three minutes concerning an amendment which I had intended to offer.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for three minutes. Is there objection?

Mr. RANKIN. Mr. Chairman, may we have the amendment reported?

Mr. DENISON. I am simply going to make a short statement. Yesterday afternoon I offered an amendment and afterwards withdrew it, with the statement that I would probably offer it again this morning. The purpose of the amendment was to exclude from the consideration of the joint boards minor questions respecting the service of motor vehicles that might arise from complaints by those interested. I find, Mr. Chairman, upon further consideration, that it is possible that the amendment I proposed to offer might include some important questions; and, moreover, in the committee I agreed to this provision in the bill, applicable to two States only. In the House the scope of the bill has been enlarged to embrace three States. I do not know of any way that I can separate the application of my amendment so as to apply to the changed conditions of the bill, and inasmuch as I agreed to the compromise arrived

at in the committee by which we were enabled to report the bill to the House, I am not disposed to offer my amendment. I thought there ought to be an amendment to carry out the idea, but, on second thought, I do not think I should offer the amendment, in view of what occurred in our committee when the bill was under consideration.

Mr. RANKIN. Mr. Chairman, does the gentleman think that a Member of the House should be influenced by a vote had in committee, even though the members of the committee voted for the provisions of the bill, when the bill comes before the House? If he sees that the bill should be amended in any way, does the gentleman from Illinois think he should feel bound by an agreement arrived at in committee and desist from offering amendments?

Mr. DENISON. That is a problem which each Member must settle for himself. There was a difference of opinion in the committee on several of the provisions of the bill, but we all felt the need of prompt consideration of the legislation; and in order to report the bill, I agreed to this provision applying to two States. I do not want to even appear to be in the position of having gone back on that agreement.

Mr. RANKIN. Of course I was against the amendment, and I am against it now; but I disagree with the gentleman from Illinois in his idea that members of a committee are estopped, if you please, from offering amendments to bills coming from that committee merely because he agreed to that particular provision in committee.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LEA of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEA of California: Page 7, line 4, after the word "'If" insert "the board of each State from which a member of a joint board is entitled to be appointed shall waive action on any matter referred to such joint board, or if."

Mr. LEA of California. Mr. Chairman, the object of this amendment is to attempt to make a smoother operation of the 3-State joint board system. It proposes that when the State boards of each State which is entitled to representation on the joint board waives consideration of the particular matter referred to the joint board, then the commission may act upon the matter.

There are a great many matters of little consequence, as the bill stands now, which would be required to be referred to joint boards. The object was, of course, to preserve the rights of the people in the States. The amendment provides that the board of each State may waive the right of hearing, and in that event jurisdiction is to be given to the commission. I have conferred with the gentleman from Michigan [Mr. MAPES], and he is satisfied with this amendment.

Mr. PARKER. Mr. Chairman, in behalf of the committee, I accept that amendment and move that the debate on this amendment to the section be now closed.

Mr. RANKIN. Mr. Chairman, I think that is unfair. I rise in opposition to the amendment. The gentleman has no right to make that motion until we have had debate on both sides of it.

Mr. PARKER. I yield time to the gentleman.

Mr. RANKIN. No; I will take the time from the House. I rise in opposition to the amendment.

The CHAIRMAN. A motion is pending.

Mr. RANKIN. I make a point of order against the motion.

Mr. MAPES. There is nothing to the point of order, Mr. Chairman. This amendment was offered, and debate was had on it.

The CHAIRMAN. The Chair is ready to rule. There is not any question but that debate has been had on this amendment. There is not any question but that under the rules of the House the gentleman from Mississippi is too late.

Mr. PARKER. Mr. Chairman, I will not object to the gentleman asking unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman may proceed only by unanimous consent.

Mr. HASTINGS. Mr. Chairman, I had understood that the motion made by the gentleman from New York [Mr. PARKER] was temporarily withdrawn.

The CHAIRMAN. Does the Chair understand that the gentleman from New York [Mr. PARKER] withdraws his motion?

Mr. PARKER. Mr. Chairman, I amend the motion to provide that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The question is on the motion of the gentleman from New York [Mr. PARKER] as amended.

The motion was agreed to.

The CHAIRMAN. The gentleman from Mississippi [Mr. RANKIN] is recognized for five minutes.

Mr. RANKIN. Mr. Chairman, I just want to say to the members of the Committee on Interstate and Foreign Commerce that they had better travel rather slowly about these steam-roller methods by which they are attempting to shut off debate on these amendments to the bill. Then I want to say to the membership of the House that by all means this amendment should be defeated.

What right has one of these boards to delegate to the Interstate Commerce Commission their powers or to waive the power vested in them by the constitution and the laws of your State? Do you realize what this amendment means? This amendment will likely wipe out the Mapes amendment adopted a day or two ago, and you will find yourselves back where you were before the Mapes amendment was inserted into the bill.

I do not think it should be left to the membership of these boards to waive State rights; to waive the rights that the States have vested in their utilities commissions or their representatives on the joint boards, and for that reason I am opposed to this amendment, and I seriously trust that if you are sincere in the adoption of the Mapes amendment, you will vote against this amendment.

Mr. GARBER of Oklahoma. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. GARBER of Oklahoma. The gentleman must recognize that the Federal Government would have no power to compel a State official to act.

Mr. RANKIN. No; but the gentleman from Oklahoma knows that if one of them fails to act, the governor of the State will appoint a representative. Then why should you permit some recalcitrant on a joint board to waive the powers and rights of the State, and take that power away from the governor of the State, in whom you have vested it by the amendment adopted?

Mr. BURTNESS. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from North Dakota.

Mr. BURTNESS. As a practical proposition, does not the proposed Lea amendment simply expedite the matter and take care of the situation and avoid delays?

Mr. RANKIN. No.

Mr. BURTNESS. The commission and the governor would otherwise make an appointment to the board.

Mr. HASTINGS. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. HASTINGS. If a member of the board waives it, he exercises power, does he not?

Mr. RANKIN. Of course, he does. He surrenders.

Mr. MAPES. Will the gentleman yield?

Mr. RANKIN. I yield for a question.

Mr. MAPES. It seems to me the gentleman is seeing things in this amendment that are not there. The purpose of the amendment is to make it unnecessary to convene the joint boards in cases of formal or routine matters. And certainly in any matter that is substantial the State boards are not going to waive their rights to pass upon it and render a decision.

Mr. RANKIN. The right is given to the members of these joint boards to waive the rights of the State and place it in the hands of the Interstate Commerce Commission, whereas the amendment offered by the gentleman from Michigan [Mr. MAPES] has reserved that right to the States.

Mr. DENISON. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. DENISON. The gentleman speaks as though the members of the joint boards were acting under State laws. The bill expressly provides that in the performance of their duties under this act they are acting as Federal agents.

Mr. RANKIN. I understand the members of the joint boards are chosen by the State boards, and if they refuse to act, if one says, "I do not want to act; I will waive the rights of the State of Iowa or the State of North Dakota or the State of Mississippi to the Interstate Commerce Commission," you are placing in that man's hands the power of transferring the rights of your State to Washington.

There is no need for the amendment. It is unnecessary. In my opinion, it is flaunting the will of the people of the various States.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from California [Mr. LEA].

The question was taken; and on a division (demanded by Mr. RANKIN) there were—ayes 108, noes 28.

So the amendment was agreed to.

The Clerk read as follows:

APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEC. 4. (a) No corporation or person shall operate as a common carrier by motor vehicle in interstate or foreign commerce on any public highway unless there is in force with respect to such carrier a certificate of public convenience and necessity authorizing such operation: *Provided*, That any common carrier by motor vehicle in operation on the date of the approval of this act may continue such operation for a period of 90 days thereafter without any such certificate, and if application for a certificate authorizing such operation is made to the commission within such period the carrier may, under such regulations as the commission may prescribe, continue such operation until otherwise ordered by the commission.

(b) Applications for certificates of public convenience and necessity shall be made in writing to the commission, be verified under oath, and be in such form and contain such information as the commission shall require.

Mr. MOORE of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia: On page 10, at the beginning of line 11, after the word "certificate," substitute a period for the comma, and after the word "commission," at the end of line 15, add the following: "*Provided*, That it appears that the applicant was in bona fide operation as a common carrier over the route or between the termini described in the application at least one year prior to the passage of this act and since then, and at the time the application is made, has been continuously in operation."

So that the paragraph after the period shall read as follows:

"And if application for certificate authorizing such operation is made to the commission within such period the carrier may, under such regulations as the commission may prescribe, continue such operation until otherwise ordered by the commission: *Provided*, it appears that the applicant was in bona fide operation as a common carrier over the route or between the termini described in the application at least one year prior to the passage of this act and since then, and at the time the application is made, has been continuously in operation."

Mr. MOORE of Virginia. Mr. Chairman, the purpose is to set up a new system of regulation. Heretofore there has been no regulation of motor vehicles engaged in interstate commerce. The section to which my amendment has reference provides that when this bill, if it should become a law, goes into effect a preference shall be given to a carrier that is then actually operating over the route in question. That is what I believe has been talked of here as one of the grandfather clauses. It seems to me it would be better not to give any preference to anybody, but to allow all applicants to stand upon the same footing and then determine what certificates should be granted. That would be an observance of the old-fashioned doctrine to which we profess our adherence constantly of according equality of opportunity.

Mr. MAPES. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. MAPES. Some of us do not clearly understand the effect of the gentleman's amendment, and we do not understand just what relation it bears to the so-called grandfather provision. On page 11, lines 17, 18, and 19, we provide that preference shall be given to operators who have been in operation prior to January 1, 1930, and I wonder if the gentleman's amendment would not be more appropriate at that point.

Mr. MOORE of Virginia. But even so, I may say to the gentleman, that preference is given by this particular section. The section provides—

That any common carrier by motor vehicle in operation on the date of the approval of this act may continue such operation for a period of 90 days thereafter without any such certificate, and if application for a certificate authorizing such operation is made to the commission within such period the carrier may, under such regulations as the commission may prescribe, continue such operation until otherwise ordered by the commission.

Mr. MAPES. Section 5 gives the conditions which shall govern the commission in acting upon an application, whether a certificate shall be granted or denied, and instructs the commission to give certificates to those who have been in bona fide operation since January 1, 1930.

Mr. MOORE of Virginia. I shall offer an amendment to that section.

Mr. MAPES. Then the gentleman thinks that his amendment does not conflict with that section?

Mr. MOORE of Virginia. The amendment I propose does not supersede the importance of trying to amend correspondingly the section the gentleman has in mind.

Mr. HOCH. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. HOCH. Would it not be impossible under the gentleman's amendment for any carrier to operate after the passage of this act unless he had been in operation for a year? As I understand this particular section, the purpose was to provide that it would not be unlawful to operate without a certificate immediately upon the passage of the act, but to give some length of time within which an operator might apply for a certificate. I think that was the only purpose of section 4.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. HOCH. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia may proceed for five additional minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the gentleman from Virginia may proceed for five additional minutes. Is there objection?

There was no objection.

Mr. DENISON. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. DENISON. The section just read contemplates that there are thousands of these motor-bus companies in operation. Obviously, it will take some time for them to file applications for certificates under the act. We do not want to require them to stop doing business, so we give a period of grace of 90 days in which they may make applications for certificates of convenience and necessity to operate as motor carriers. If they file these applications within 90 days, then, under such regulations as the commission shall prescribe, they may continue in operation until the commission can act upon their applications. That is all this section does. It merely takes care of those that are in operation now and allows them time within which to file their applications and have their applications passed on.

Mr. MOORE of Virginia. If this section is adopted then, under the section to which the gentleman from Michigan has referred, it would be the duty of the Interstate Commerce Commission to send out a questionnaire to ascertain the facts, but meanwhile the existing carrier has a preference.

Mr. DENISON. Certainly he has.

Mr. MOORE of Virginia. The carrier not already in operation but desiring to obtain a certificate is deferred to an indefinite time to have his application passed on, and meanwhile the carrier that is actually operating has the preference; in other words, there is an inference that the carrier that is operating at the time the act goes into effect is entitled to continue on the idea that he serves the public convenience better than any other carrier.

Mr. BURTNESS. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. BURTNESS. I would say not in so far as this particular section is concerned. The only purpose of this section is to permit him to operate until the Interstate Commerce Commission or the joint boards, as the case may be—but it would be the Interstate Commerce Commission for those who had been in operation before March 1, 1930—can pass upon their applications for certificates of convenience and necessity. That is all. This section simply permits a period of grace, not for the convenience of the bus operator particularly but in the interest of administration by the Interstate Commerce Commission, because it may not be able to pass upon all of the applications within 90 days, and that is the sole reason for the last clause in this paragraph.

Mr. MOORE of Virginia. But if the applicant is allowed to continue in operation, then he may be approved subsequently without any reference to joint boards.

Mr. BURTNESS. Not unless he was in operation prior to January 1, 1930.

Mr. MOORE of Virginia. That is exactly the point I have in mind and the point which I think ought to be considered, but that point is not covered by this section.

Mr. CULKIN. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. CULKIN. Is not the provision that there must have been bona fide operation on January 1, 1930, distinctively retroactive and, in the gentleman's opinion, improper in this legislation? In other words, if a bona fide concern went into operation before the enactment of this legislation, should they not have this preferred status?

Mr. MOORE of Virginia. I will tell the gentleman what the Interstate Commerce Commission says on that point, and my amendment follows the recommendation of the commission:

The law should provide that an applicant for a certificate of public convenience and necessity was in bona fide operation as a common carrier over the route or between the termini described in the application at least one year prior to the first day of the legislative session

in which such law is enacted, and since then and at the time application is made has been continuously in operation.

Mr. CULKIN. The gentleman would limit it, then, to one year?

Mr. MOORE of Virginia. I would limit it as the Interstate Commerce Commission limits it. As I understand the commission, the commission says the preference contemplated by this section should not be accorded to any carrier except a carrier that has been in operation continuously for at least one year.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. CULKIN. Mr. Chairman, I ask unanimous consent that the gentleman be given one additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CULKIN. How about the concerns, if the gentleman from Virginia will permit, that have gone into business in good faith and have made investments subsequent to January 1, 1930, and are now in operation pursuant to the consent of the public service commissions in the various States; why should they be debarred from participation in this so-called grandfather clause, assuming they comply with all of paragraph (b).

Mr. MOORE of Virginia. I will say to the gentleman that objection is easily met. You can increase the period beyond 90 days. You have already provided for very summary proceedings. You have provided that one commissioner can handle the case of an application, or that an examiner may handle the case of an application, and if you think 90 days is not sufficient, you can extend the time beyond 90 days and obviate the very difficulty which the gentleman has in mind.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes more, on account of the interruptions.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MERRITT. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. MERRITT. Is the gentleman prepared to stop at once every bus operation on the enactment of this bill?

Mr. MOORE of Virginia. I am not; and can not the gentleman avoid that by extending the 90-day period?

Mr. MERRITT. That is what this section does.

Mr. MOORE of Virginia. You can extend the period beyond 90 days, so as to give the commission more time to pass upon applications.

Mr. MERRITT. But the gentleman's amendment adds to our extension a proviso that in order to get the extension the line must have been in operation one year.

Mr. MOORE of Virginia. I take that from the Interstate Commerce Commission—that he is not to have any preference unless he has been in operation for one year, that operation for one year is to be taken as prima facie evidence in his favor. If he has not been in operation for a year, let his application be considered along with the other applications before the commission.

Mr. MERRITT. I think the gentleman will find from the facts that if any such provision were put in this section it would paralyze a large part of the business now going on in this country.

Mr. MOORE of Virginia. I do not think that, if you will frame your section in what seems to me, with great respect to the committee, a sensible way, by extending the time, if you so desire. On the contrary, if you allow this section to stand as it is written, you are going to give a preference to powerful carriers that, anticipating this legislation, have commenced operations, and then when the commission proceeds to act upon other applications, under your provision with respect to public convenience and necessity they will be denied the right to receive certificates.

Mr. GLOVER. Will the gentleman yield for a question?

Mr. MOORE of Virginia. Yes.

Mr. GLOVER. Carrying out further the gentleman's thought, I desire to call attention to section 5, on page 11, where the bill provides that where it is shown on the questionnaire—

That the applicant is fit and able properly to perform the service required, then a certificate shall be issued to the applicant by the commission without further proceedings.

Mr. MOORE of Virginia. Exactly. This is a noncompetitive bill in that respect and in this and some of its other features it makes for monopoly.

What is the existing condition? According to the Interstate Commerce Commission, the railroad carriers of the country have to a very large extent engaged in motor-vehicle operations on the highways and in this section and in the succeeding section there seems to be an effort made to give them priority over other applicants, and with the idea that other applicants may be refused because they can not show actual necessity for additional operations.

Mr. MAPES. Will the gentleman yield there?

Mr. MOORE of Virginia. Yes.

Mr. MAPES. It seems to me the gentleman is arguing the next section, the so-called grandfather clause, but whether that is true or not, would not the statement which the gentleman is making apply 10 years from now or 20 years from now just the same as it does now? The bus operator that is already in existence has the preference over the man who desires to come in. The man who desires to come in five years from now will have to make an application for a certificate of public convenience and necessity and he will be obliged to wait until he is granted a certificate before he can begin operation. Of course, during that time the other operator would go right ahead with his business.

This simply permits those already in existence prior to January 1 to continue until the commission has an opportunity to say whether they shall continue further or not.

Mr. MOORE of Virginia. Five years hence the law will have been in effect five years. The effort is to regulate at the outset in a way never heard of before. What you propose is to give a vested right to the carriers that are in actual operation at the time the law is put in force. If I understand the bill and the report of the Interstate Commerce Commission and much of the argument here, the result is going to be that applications will be precluded to a very large extent, in a very large per cent of cases, except those of carriers very largely controlled by railroad companies that were in operation at the time of the passage of the law.

Mr. HOCH. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. HOCH. Is it not true under the gentleman's amendment that if an operator had been in operation 11 months he could not operate for another day without violating the law?

Mr. MOORE of Virginia. Not at all. The section provides that he shall have the right to continue in operation 90 days.

Mr. HOCH. I understood that under the gentleman's amendment the carrier must have been in operation a year.

Mr. MOORE of Virginia. That is in accordance with the recommendation of the commission.

Mr. HOCH. That is the grandfather clause, but that is an entirely different matter.

Mr. MOORE of Virginia. It seems to me that the two sections link up together.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. McSWAIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 10, line 8, after the word "in" and before the word "operation," insert the word "legal."

Mr. McSWAIN. Mr. Chairman, this is so obviously just that I do not want to delay the committee.

Mr. DENISON. We will accept the amendment.

Mr. RAYBURN. Mr. Chairman, I do not accept it; I want the gentleman from South Carolina to explain his amendment.

Mr. McSWAIN. Mr. Chairman, the effect of this amendment is this: As soon as it shall be pretty well determined through the newspapers and in other ways that this bill is going to become a law, as soon as there is a reasonable anticipation that it will be law, there will be a lot of fly-by-night men start in the business who are not bona fide carriers. They will start without any authorization by a State commission; they will start running up and down, whether carrying passengers or not, for the purpose of being included and incorporated in and obtaining the benefit of this legislation.

Mr. BURTNESS. How does the gentleman's amendment help that situation?

Mr. McSWAIN. Because if they are not operating lawfully, if they are not operating under the authority by some State commission or some State board, then they could not, under my amendment, come in and get the benefit of the law. They would have to make application to the joint commission, the joint board, and show the advantages and the necessity and the benefits of their particular operation.

Mr. BURTNESS. Do I understand the gentleman correctly that he interprets the word "legal" as meaning that it must be a carrier who has been operating under a certificate of convenience and necessity issued by some State board or commission?

Mr. McSWAIN. No; I am cognizant of the decision of the Supreme Court of the United States; but every interstate carrier is the outgrowth of a route which was originally intrastate. If there shall start up one of these fly-by-night schemes for the mere purpose of securing benefits by this legislation, I do not think they ought to get a certificate without being able to make a showing of convenience and necessity. I think that the benefits from this act are going to be substantial.

Mr. HOCH. In the gentleman's amendment does he not mean by legal, bona fide?

Mr. McSWAIN. It may be, and I am glad to get a suggestion from the gentleman, who sees what I am after.

Mr. HOCH. Mr. Chairman, I see the force of the contention as to whether it is a bona fide operation, but certainly these people are not illegally operating. If they are, they can be taken off the roads now.

Mr. McSWAIN. Mr. Chairman, I think there is much in the gentleman's suggestion, and with the permission of the committee I ask unanimous consent to modify my amendment.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to modify his amendment in the manner indicated. Is there objection.

There was no objection.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Amendment offered by Mr. McSWAIN: Page 10, line 8, after the word "in" and before the word "operation" insert the words "bona fide."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. DENISON. Mr. Chairman, the purpose of this section is merely to permit those who are operating busses to continue to operate them if they wish to until the commission can act on their applications. If you insert the words "bona fide" at this place, then they will have to prove that they are in bona fide operation before they are operating legally. That is not the purpose of this section. I suggest to the gentleman that he withdraw his amendment and discuss that proposition in connection with the next section. That is where the question of bona fides is going to be discussed, and will have to be proven. It has no place in this section at all, because an operator would have to prove that he is conducting a bona fide operation before he can operate for the 90 days.

Mr. RAYBURN. Mr. Chairman, if such an amendment is to be offered, should it not come in the next section?

Mr. DENISON. Certainly.

Mr. RAYBURN. Where we have the grandfather clause and the question of continuous operation?

Mr. DENISON. Certainly.

Mr. BURTNESS. And where we have already prescribed that they must have been conducting a bona fide operation before the commission can grant them certificates of convenience.

Mr. McSWAIN. Mr. Chairman, I see that these gentlemen are in good faith trying to help me out of my difficulties. I ask unanimous consent to withdraw my amendment, and I shall offer it to the next section.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. PARKER. Mr. Chairman, I move that all debate upon this section, and all amendments thereto close in five minutes.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman not confine his motion to the amendment?

Mr. PARKER. No.

Mr. HUDDLESTON. The gentleman allows 20 or 30 minutes of debate on a minor amendment and none on other amendments.

The CHAIRMAN. The question is on the motion of the gentleman from New York that all debate upon this section and all amendments thereto close in five minutes.

So the motion was agreed to.

Mr. JONES of Texas. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 10, line 15, after the word "commission," insert the following:

"*Provided further*, That it shall not be necessary to procure such a certificate in order to operate a common carrier by motor vehicle wholly within any State, nor to operate an extension of any line where such extension is wholly within any State, if a certificate or permit for such purpose has been issued by the State commission or other duly constituted regulatory authority of the State affected."

Mr. MAPES. Mr. Chairman, I reserve the point against the amendment.

Mr. JONES of Texas. Mr. Chairman, I would like to have the gentleman make his point of order.

Mr. RANKIN. I demand the regular order on the point of order.

The CHAIRMAN. The regular order is demanded.

Mr. MAPES. Mr. Chairman, the amendment relates clearly to certificates issued in intrastate business. It seems to me that it is clearly out of order in this section, but I do not care to take up any time in argument of the point of order.

The CHAIRMAN. The Chair is ready to rule.

Mr. JONES of Texas. I do not care to be heard unless the Chair wants to hear from our side.

The CHAIRMAN. Section 4 of the bill deals entirely with interstate or foreign commerce. The gentleman's amendment deals entirely with intrastate commerce.

Mr. JONES of Texas. No; my amendment does not. The first part of my amendment refers to intrastate commerce and also an extension of interstate commerce.

The CHAIRMAN. And brings in a new subject which is not dealt with by the original text.

Mr. JONES of Texas. Not any more than the paragraph itself does. Mr. Chairman, section 4 requires the securing of a certificate of public convenience and necessity for extending an interstate line 10 miles within a State, and that part is covered by section 4. For instance, if a man is operating a line from Wichita, Kans., to Amarillo, Tex., and he desires to extend the operation 20 miles farther to Canyon, Tex., wholly within the State of Texas, he would have to secure a certificate of public convenience and necessity from the Interstate Commerce Commission in order to do so; and that is exactly what my amendment refers to. It provides that in extending a motor-vehicle line that is doing an interstate business it shall not be necessary to secure a certificate if it already has one from the State or can secure one from the State. In other words, this refers specifically to interstate and not intrastate business.

Mr. STAFFORD. Mr. Chairman, I have glanced over the bill since the amendment has been offered and I can find no other place where an amendment of this character would be more pertinent than in connection with this section. Then the question arises whether it is at all relevant to the subject matter under consideration. The bill under consideration is one of general character, and certainly the House should not be circumscribed, it should not be denied the right to legislate on a proposal such as that contained in the amendment offered by the gentleman from Texas. The House should have the right to determine the extent of this legislation. I can not find any other place in this bill where it would be more pertinent. I call on the sponsors of the bill to point out where this amendment could be more pertinently considered than in this section.

The CHAIRMAN. The Chair will hear the gentleman from Texas.

Mr. JONES of Texas. The Chair will notice that under section 4 any bus line operating or desiring to operate in interstate commerce must secure a certificate of public convenience and necessity. That runs all the way through the bill, linked up in every fashion. There is the necessity of securing that permit if you extend farther into a State forming an interstate bus line.

I am simply providing in my amendment that where only one State is affected, and maybe only a few miles extension is desired, it should not be necessary to come all the way up to the Interstate Commerce Commission to get a little extension when it can be gotten much more easily by going to the State commission.

The CHAIRMAN. The Chair is of opinion that section 4 contemplates dealing with interstate and foreign commerce only. In the opinion of the Chair, the question of germaneness is involved here. The amendment offered by the gentleman from Texas seeks to bring within this section the subject of intrastate commerce. The Chair does not think that where you have one subject dealing specifically with one class that you may add another specified class. It occurs to the Chair that interstate commerce is quite different from intrastate commerce, and, in the opinion of the Chair, the amendment is not germane. The Chair sustains the point of order.

Mr. JONES of Texas. Mr. Chairman, I have another amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 10, line 15, after the word "commission" insert the following: *Provided further,* That it shall not be necessary to procure such a certificate in order to operate an extension of any common carrier by motor vehicle where such extension is wholly within any State if a certificate or permit for such purpose has been issued by the State commission or other duly constituted regulatory authority of the State affected."

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. JONES].

The question was taken; and on a division (demanded by Mr. JONES of Texas) there were—ayes 35, noes 62.

So the amendment was rejected.

The Clerk read as follows:

ISSUANCE OF CERTIFICATE

SEC. 5. (a) Except as provided in subsection (b), a certificate of public convenience and necessity shall be issued to any applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found that the public convenience and necessity will be served by the operations authorized.

(b) If the corporation or person making application for a certificate of public convenience and necessity sets forth therein that it or any predecessor in interest was operating as a common carrier by motor vehicle in interstate or foreign commerce on any public highway on January 1, 1930, and claims the benefits of this subsection, the commission upon receipt of such application shall serve such carrier with a questionnaire in respect to the matters on which the commission may require information. The applicant shall answer the questionnaire within 45 days from the receipt thereof. A copy of all questionnaires and answers thereto shall be furnished by the commission to the board of every State in which any part of the operations of the carrier are conducted. If it appears from the answers to the questionnaire or from information otherwise furnished, (1) that the carrier or a predecessor in interest was in bona fide operation on January 1, 1930, as a common carrier by motor vehicle in interstate or foreign commerce on any public highway and (except as to seasonal service or interruption of operations over which the applicant or its predecessors in interest had no control) continuously has so operated since that date and (2) that such operations are bona fide for the purpose of furnishing reasonably continuous and adequate service at just and reasonable rates, and (3) that the applicant is fit and able properly to perform the service required, then a certificate shall be issued to the applicant by the commission without further proceedings; otherwise the question whether or not such facts appear shall be decided in accordance with the procedure provided in section 3 (including reference to a joint board in a proper case), and the certificate under this subsection shall be issued or denied accordingly.

(c) Nothing contained in section 500 of the transportation act, 1920, shall be construed as expressing a preference by Congress for rail or water transportation over transportation by motor vehicle or to affect in any manner the issuance of a certificate of public convenience and necessity under the provisions of this act; and nothing contained in this act shall be construed as a declaration by Congress of the relative importance to the public of the several kinds of transportation.

(d) No certificate of public convenience and necessity issued under this act shall be construed as conferring any proprietary or exclusive rights in the public highways.

(e) In the administration of this act, the commission shall, so far as is consistent with the public interest, preserve competition in service.

Mr. PARKER. Mr. Chairman, I offer an amendment which I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from New York, chairman of the committee, offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment by Mr. PARKER: Page 11, line 21, strike out the words "seasonal service or," and, on page 12, at the end of line 10, insert the following:

"For the purposes of this subsection a common carrier by motor vehicle furnishing seasonal service shall be deemed to qualify under clause (1) if such carrier or a predecessor in interest was in bona fide operation as a common carrier by motor vehicle in interstate or foreign commerce for the calendar year 1929 during the season ordinarily covered by its operations, and (except as to interruption of operations over which the applicant or its predecessors in interest had no control) has so operated continuously during each such season thereafter."

Mr. PARKER. Mr. Chairman, this amendment is simply to take care of the seasonal operations. There are many seasonal operations all through the Northeastern States. Busses start from the cities of New York and Boston and go up into the mountains, the White Mountains, over into the State of Vermont, up to the Adirondacks and down through Pennsylvania to the various summer resort hotels, which are not located on railroads. This amendment extends to them the provision of the "grandfather" clause if those operators were in bona fide operation during the season of 1929.

That is all and exactly what the amendment covers.

Mr. RANKIN. Will the gentleman yield?

Mr. PARKER. I yield.

Mr. RANKIN. Why go back to 1929 if they are in operation now?

Mr. PARKER. They can not be in operation now, because they only operate in the summer time.

Mr. RANKIN. I understand that is true in New England, but that does not cover the entire country. I happen to live in a section of the country where they can operate practically any time of the year.

Mr. PARKER. I might ask the gentleman if he has any service like that?

Mr. RANKIN. Certainly.

Mr. PARKER. If the gentleman will draw an amendment, I will accept it.

Mr. RANKIN. No, no. If I draw an amendment, it is defeated.

Mr. DENISON. Will the gentleman yield?

Mr. PARKER. I yield.

Mr. DENISON. This amendment applies to any seasonal operations in any part of the country.

Mr. RANKIN. I understand; but if you are going to make that amendment, why go back to 1929?

Mr. PARKER. Where would the gentleman go?

Mr. RANKIN. Go to the date of the passage of the bill.

Mr. PARKER. I would like to state to the gentleman that the busses to which I refer stopped operation last September and they have not operated since.

Mr. RANKIN. I understand they stopped up in that country.

Mr. PARKER. It does not affect operations in the gentleman's State. If there were operations proceeding in 1929, those operations will come under the provisions of this bill, the same as in our part of the country.

Mr. BURTNESS. Will the gentleman yield?

Mr. PARKER. I yield.

Mr. BURTNESS. If they were in operation on January 1, 1930, they will also be included, because they are in operation in the wintertime.

Mr. RANKIN. I fear the gentleman from North Dakota does not understand what I am driving at, and I am afraid the gentleman from New York [Mr. PARKER] does not understand. These seasonal busses are operated not because it happens to thaw out in that section of the country, but for other reasons.

Mr. PARKER. Certainly. They operate when the hotels are open. There is no question about that.

Mr. RANKIN. There could be no harm in amending the gentleman's amendment to strike out "1929" and insert "at the time of the passage of the bill." That would include those which have begun to operate since the 1st of January.

Mr. PARKER. But they are not operating now, and they will not begin to operate until the 1st of June.

Mr. RANKIN. I know they are not, up in that country, and I do not blame them.

Mr. PARKER. They can not get through.

Mr. RANKIN. I understand they can not, but that is not the entire country. There are other sections of the country that have seasonal busses, which operate at various times of the year. For instance, at the Easter season—and you will not get this bill passed by Easter at the rate at which the House and Senate are proceeding—around the Easter season or the spring season there is a vast difference between New England and the South.

Mr. PARKER. I only yielded for a question. I only have a few minutes.

Mr. RANKIN. I was trying to show the reason for my contention. If this provision is put in at all, it would be just and fair to amend it so as to change it to the time of the passage of the bill.

Mr. PARKER. But I want to call the gentleman's attention to the fact that if we put the date in as the gentleman desires it it would shut out every one of the people that I have in mind.

Mr. HASTINGS. Will the gentleman yield?

Mr. PARKER. I yield.

Mr. HASTINGS. It would not include your seasonal service of last year if you do it the way the gentleman desires?

Mr. PARKER. No; it would not.

Mr. HASTINGS. And therefore the amendment is absolutely necessary to cover it.

Mr. PARKER. Yes. If the gentleman can suggest any amendment to take care of this seasonal service, as far as I am concerned I will accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. PARKER].

The amendment was agreed to.

Mr. OLIVER of Alabama. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Alabama [Mr. OLIVER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. OLIVER of Alabama: Page 12, line 25, after the word "service," strike out the period and insert in lieu thereof the following:

"Provided, however, That if it appears at any time that motor-vehicle service in interstate or foreign commerce on any public highway is alone carried on by a railroad company, or alone by persons or corporations owning an interest in a railroad company, the commission shall give consideration to the issuance of a further certificate to a common carrier by motor vehicle on such highway, if applied for by any person or corporation not interested in a railroad company and shown to be qualified to meet the rules, requirements, and conditions fixed by the commission for such service."

Mr. OLIVER of Alabama. I would like to ask the chairman this question: You have indicated that you are not opposed to the purpose of this amendment?

Mr. PARKER. Yes.

Mr. OLIVER of Alabama. And may I ask whether the committee is willing to accept it?

Mr. PARKER. I will say to the gentleman that personally I shall not object, but, of course, I can not speak for the committee.

Mr. OLIVER of Alabama. I have offered this amendment after consulting different members of the committee, because I feel it really expresses the purpose of the Congress, and especially that provision of the bill which declares a purpose to preserve competition. This amendment is so drawn that if at any time it shall appear that service between States is alone operated by a railroad company or by any person or corporation interested in a railroad company, that then the commission shall give consideration to the application for a further permit on such highway, if the party making application is not interested in a railroad company and can meet the rules and requirements of the commission.

Mr. HOCH. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. HOCH. I am not at all out of sympathy with what I think the gentleman is trying to accomplish. However, there is one clause in the amendment—if I heard it correctly—about which I am doubtful. I understood the amendment to read anyone having any interest in a railroad company, and not simply a controlling interest—what about a person who happened to own one share of stock in some railroad company somewhere, even though it were not a competing railroad?

Mr. OLIVER of Alabama. I have drawn the amendment in this form so that parties without large means might not find it impossible to meet the form of procedure required, and to simplify what must be averred in the application for a certificate, if the motor service at any time is alone operated by those interested in a railroad company.

I was interested in the statement the committee made some time ago, when it secured an appropriation that it might consider consolidation legislation as affected by holding companies. This amendment is in line with the purpose the committee declared in reference to bus-line service over highways. No Member of this House wants a railroad company to have sole control of any bus-line service. It is easy for railroads to so distribute their interests that they often are in control, when it is impossible to show that they have a controlling interest. I drew the amendment so that we might give to the public full assurance that if it appears at any time that a railroad company, or those interested in a railroad company, are alone operating bus-line service over a public highway, that then the commission shall give consideration to the issuance of a further certificate to a party qualified to meet the commission requirements, and who is not interested in a railroad company.

Mr. DENISON. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. DENISON. If the gentleman's amendment would stop there, there would be no particular objection to it; but it says not merely if a bus line is owned by a railroad company but if it is owned by any person or corporation owning any interest in a railroad company. That would exclude any person who owns a share of stock or a bond in a railroad company. It may be in California and they may be operating a bus line in Virginia. Why should the fact that a man owns a few bonds in a railroad company in a different part of the country, where there is no competition, place him in the class of an outlaw?

Mr. OLIVER of Alabama. The question is an entirely pertinent one except the latter part of it. There is nothing in the amendment or nothing in what I have said to indicate that he is an outlaw. I have only said that where those facts appear the commission shall give consideration to the issuance of a further certificate. There can be no serious hurt if you make it possible for a party to prepare his pleadings, if you please, in such way as to get his application before the commission.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BURTNESS. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama may proceed for two additional minutes.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent that the gentleman from Alabama may proceed for two additional minutes. Is there objection?

There was no objection.

Mr. BURTNESS. Regardless of the merits of this amendment, I would like to know why the gentleman proposes to add it to and make it a part of paragraph (e), which is a general paragraph stating that the commission shall, so far as consistent with public interest, preserve competition. My point is this: The gentleman's amendment really qualifies and weakens that paragraph rather than supplements it, and it strikes me that it would be much better draftsmanship if the gentleman would simply add his amendment as a new subparagraph (f) and keep it away from the specific general mandate given to the commission to preserve competition.

Mr. OLIVER of Alabama. I am very glad to have that expression from the gentleman, because it shows an absence of antagonism to the amendment. I will say that I prepared this amendment several days ago and submitted it to the chairman and other members of the committee. I found that the members of the committee with whom I discussed it were not unfriendly to it, and I was led to prepare and offer it at this place for the reason that I understood you had after mature consideration adopted the three preceding lines which preserve competition. This is nothing more nor less than a legislative declaration of the kind of competition you desire to preserve. We are not interested to preserve competition between railroads and railroad interests, but we desire to preserve a common carrier certificate for some one not interested in a railroad company and who can furnish competition for bus service operated by railroad interests.

Mr. BURTNESS. But it seems to me the gentleman's proposed amendment added there qualifies and weakens the general statement with reference to competition.

Mr. OLIVER of Alabama. I think it clarifies, supplements, and makes plain to the commission what, at least, is the desire of Congress—that they not give an exclusive privilege at any time to a railroad company or to those interested in a railroad company.

Mr. DENISON. Mr. Chairman, I rise in opposition to the amendment, but I do this more to give me an opportunity to submit to the gentleman from Alabama [Mr. OLIVER] that the suggestion made by the gentleman from North Dakota is a proper one. If the gentleman would merely strike out the word "provided" and offer the amendment as a new paragraph——

Mr. BURTNESS. Or even as a new sentence.

Mr. OLIVER of Alabama. I am perfectly willing to do that.

Mr. DENISON. I think that would put the bill, if the amendment is to be adopted, in much better form.

Mr. OLIVER of Alabama. Mr. Chairman, I ask unanimous consent to strike out the word "provided" and offer the amendment as amended as paragraph (f).

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to amend the amendment in the manner indicated. Is there objection?

There was no objection.

The Clerk reported the amendment as amended.

Mr. DENISON. Mr. Chairman, of course, this amendment merely provides that under the circumstances mentioned in it the commission shall give consideration to the application of another party seeking a certificate of convenience and necessity. If I understand the bill at all, and if I understand the duties of the commission, they would do this anyway. Of course, if there are any Members here who can get any satisfaction out of putting in a provision saying they shall give consideration to such an application when, as a matter of fact, it would be the duty of the commission to do so anyway, I have no particular objection to it.

I do think the amendment ought to be changed so as to read a "substantial" interest, or something of that kind. It is very

general in its language and provides that if a person owning or operating a motor-vehicle company on a highway owns any interest, however small or infinitesimal, in any railroad company in any part of the United States, the commission shall give consideration to any other application. Of course, they would do that anyway; and, so far as I am concerned, I do not care about it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. OLIVER].

The amendment was agreed to.

Mr. CULKIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CULKIN: On page 11, line 7, strike out the word "January" and insert in lieu thereof the word "March"; and the same amendment in line 19.

Mr. CULKIN. Mr. Chairman, ladies and gentlemen of the committee, may I say at the outset I have no desire to materially amend this very splendid bill. I think this bill is distinctly a step in advance and proper regulation of a growing business. The parts I seek to amend provide that this law shall go into effect to all intents and purposes on January 1, 1930. In other words, gentlemen, this law is definitely retroactive, and that usually offends the intelligence and sense of justice that should obtain in a legislator.

The country is big, and a great many concerns have gone into this rapidly developing business since January 1 of the present year, but the committee by this provision says that the concerns and the men who have invested their money in this business since January 1, 1930, shall have no place in the sun. They, ladies and gentlemen, are to be left to the matter of application, determination, and long hearing before a public-service commission, as set out in the bill as amended.

I want to give you a definite and concrete illustration of this situation called to my attention by some of my colleagues.

I have here a telegram addressed to Congressman BOLTON, of Ohio. It comes from the president of the Great Eastern Stages (Inc.), as I understand it, an Ohio corporation.

This concern has made large disbursements for terminals, for busses, and for public liability during the present year. Their financial engagements aggregate something over $500,000. They are operating between Toledo and New York. This bill, if it goes into effect, puts them completely at the mercy of the Interstate Commerce Commission or the other body created by this bill. In other words, it leaves them in litigation. Their credit is gone, their status is destroyed; and if this is true of this concern, it is true of a number of others, possibly numbering many hundreds, throughout the whole of the United States.

I trust, gentlemen, that this amendment, in justice and equity, shall here prevail, and I ask your support of it.

Mr. Chairman, I ask unanimous consent to extend my remarks by inserting the telegram referred to.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The telegram is as follows:

CLEVELAND, OHIO.

Congressman CHESTER C. BOLTON,
Washington, D. C.:

Company capitalization $250,000, busses contracted for this year 30, 15 delivered and must accept balance by June 1. Total obligation for these coaches $360,000. This equipment being built by White Co., Cleveland. Over 100 agencies established and terminal lease obligations in Chicago, Detroit, Toledo, Cleveland, Buffalo, Scranton, Philadelphia, and New York, which are binding for terms of lease. Average 100 passengers per day this time of year. Fifty people employed, more to follow. Obligation for leases $100,000, office, garage, stock parts, and supplies, $20,000, prepaid licenses and insurance $20,000 already expended for 1930. Formation of company early in January, began partial operation February 15, full operation March 1. Committee acting on bill very secretly at time of formation of company, which was organized in good faith and usual obligations assumed. Passage of bill dated March 1 acceptable.

PAUL K. WADSWORTH,
President Great Eastern Stages (Inc.).

Mr. MEAD. Mr. Chairman, I move to strike out the last word. Mr. Chairman, a few days ago when this legislation was considered in the House under general debate, I urged the adoption of the amendment which has been proposed by my colleague from New York [Mr. CULKIN], and I rise at this time to reiterate the statement I made on that occasion. In my judgment it will be an injustice to the bona fide interests now engaged in this method of transportation, and if this amendment is not adopted it will increase the opposition to this measure from a delegation in this House that is in favor of the bill and would like to support it.

As I said a few days ago, I favor the general principle involved in the legislation. I recognize the fairness with which the committee has given consideration to the amendments offered by gentlemen in the House and I do hope this amendment offered by Mr. CULKIN will carry. I desire to urge on the part of the chairman and the committee the acceptance of this just amendment.

The amendment gives the benefit of the provisions of this subsection to corporations or persons making application for a certificate of public convenience and necessity, providing they were operating as a common carrier by motor vehicle in interstate or foreign commerce on any public highway on March 1, 1930, instead of January 1, 1930, the language now carried in the bill.

Mr. MOONEY. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. PARKER. I will say to the gentleman that I am going to accept the amendment.

Mr. MOONEY. Mr. Chairman, I want to suggest that while I do not know how many companies are affected by the date of January 1, I know that in my own district there is one vitally affected. I know something of the service this company gives and the personality of their employees, the large investments that are affected. I want to express my appreciation of the chairman of the committee for accepting an amendment that to me is very important. I am going to ask the Clerk to read the telegram which I have just received this morning.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

CLEVELAND, OHIO, *March 20, 1930.*

Congressman CHARLES A. MOONEY,
Washington, D. C.:

Company capitalization, $250,000; busses contracted for this year, 30; 15 delivered and must accept balance by June 1; total obligation for these coaches, $360,000. This equipment being built by White Co., Cleveland. Over 100 agencies established, and terminal lease obligations in Chicago, Detroit, Toledo, Cleveland, Buffalo, Scranton, Philadelphia, and New York, which are binding for terms of lease. Average 100 passengers per day this time of year. Fifty people employed; more to follow. Obligations for leases, $100,000; office, garage, stock parts, and supplies, $20,000; prepaid licenses and insurance, $20,000 already expended for 1930. Formation of company early in January; began partial operation February 15; full operation March 1. Committee acting on bill very secretly at time of formation of company, which was organized in good faith and usual obligations assumed. Passage of bill dated March 1 acceptable.

PAUL K. WADSWORTH,
President Great Eastern Stages (Inc.).

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. CULKIN].

The question was taken, and the amendment was agreed to.

Mr. HARE. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 12, line 10, after the amendment already agreed to, insert: "*Provided*, That no certificate of public convenience or necessity shall be issued, transferable, or assignable to a competing carrier engaged in a different system of transportation, or to any person or corporation owning stock or financially interested, directly or indirectly, in the operation of interstate transportation other than that provided for in such certificate."

Mr. MAPES. Mr. Chairman, I make the point of order that the amendment is not germane at this place. The consolidation provision is on page 15, section 9.

Mr. HARE. I think it should come in at this place.

Mr. MAPES. It would come more appropriately, it seems to me, at the top of page 16 than at this place. However, Mr. Chairman, in order to save time I will withdraw the point of order.

The CHAIRMAN. The Chair is of the opinion that it is in order. The point of order is withdrawn, and the gentleman will proceed.

Mr. HARE. Mr. Chairman, I offer the following amendment:

On page 12, line 10, after the amendment already agreed to, insert: "*Provided*, That no certificate of public convenience or necessity shall be issued, transferable, or assignable to a competing carrier engaged in a different system of transportation, or to any person or corporation owning stock or financially interested, directly or indirectly, in the operation of interstate transportation other than that provided for in such certificate."

It has been stated and reiterated several times during this debate that this bill is a railroad bill. On the contrary, it has been urged and insisted upon by many that the charges are without foundation and that the bill is designed primarily in the interest of the public. I think this amendment will apply the acid test to the situation, for if it is understood and known by the proponents of the bill that it will not operate for the benefit and special advantage of the railroads, should it become a law, then there should be no objection to having the amendment incorporated in the bill.

I am not prepared at this time to say that the bill is sponsored primarily by the railroads or that it is designed for their special benefit or protection, but as a jury is generally supposed to be governed by the evidence in the case I think it might be well for us to inquire in more or less detail as to what is the real evidence in support of the bill. In the first place our attention has been directed to an investigation inaugurated by the Interstate Commerce Commission in 1926, the result of the investigation having been submitted by the commission in a report as of April 10, 1928, the same being known as report No. 18300. It is my understanding that upward of 400 witnesses testified and more than 5,000 pages of testimony taken.

One of the first things to attract attention is a finding of the commission reported on page 697 of the report which reads as follows:

Steam railroads and electric railways had entered into the field of motor transportation either directly or through subsidiaries as supplementary to their rail operations; a number of railroads had filed applications with us for permission to abandon portions of their lines, alleging as one of the reasons, loss of passenger or freight revenues by reason of motor-bus or motor-truck competition.

Considering these matters, as well as the rapidly increasing importance of motor transport, we on June 15, 1926, entered upon an investigation on our own motion into and concerning the general question of the operation of motor busses and motor trucks, by, or in connection or competition with, common carriers subject to the interstate commerce act.

It would appear from these statements that the initial action on the part of the commission to secure evidence used in support of the bill was inspired or suggested by the action or actions of the railroads. Of course, this is not conclusive, but it is the only reasonable and logical deduction.

We go a little further and note on page 700 of the report that the commission finds as one of the results of the investigation the following:

A classification of the bus-route mileage of these States in relation to railroad lines indicates that 41 per cent of the mileage is directly competitive with rail lines; that is, parallels rail lines between the same termini; 28 per cent is indirectly competitive.

In other words, the commission found that 69 per cent of the bus-route mileage is either directly or indirectly competitive with rail lines, a fact which would naturally command the attention of the railroads; and it is not surprising that they would be very much interested in legislation that would prevent any further competition between motor-bus transportation and rail transportation. It is not conclusive, of course, that the railroads are sponsoring this legislation, but the evidence is sufficient to justify the conclusion that if they are not taking a vital interest in the proposed legislation they are not living up to their well-known reputation.

We read a little further in the report and see where the commission reports some of its findings of facts:

Transportation of livestock to terminal markets has always been a matter of concern to farmers, more especially to those who raise livestock on a relatively small scale as a part of regular farm operations. When dependent on rail service, the farmer could only ship at times when there was enough stock available to make a carload. Now, through the use of the radio, he gets market quotations daily and can load his stock into a motor truck and drive to market, arriving there in about the same time ordinarily required to reach a railroad shipping point were he shipping by rail, with a saving of about 18 to 36 hours in the time of transit.

In 1925, as shown by the report, 3,333,000 head of hogs were motor trucked to 15 of the principal markets in the United States, being almost 11 per cent of the total receipts. Six per cent of the sheep, more than 12 per cent of the calves, and 4.5 per cent of the cattle received at these 15 markets were hauled by motor truck.

Judging from the volume of evidence submitted by the railroads and the trouble they went to in an effort to show the decrease in their revenues on account of motor-bus and motor-truck competition, they must have been exceedingly interested when the evidence was being gathered in support of the bill. The commission really emphasizes this point on page 721 when it says:

Much of the evidence of the railroads related to the loss of traffic following the advent of motor-vehicle transportation, particularly since 1920.

During the period from 1920 to 1926, inclusive, the number of passengers carried by the class 1 steam railroads in the United States decreased from 1,234,862,048 in 1920 to 860,343,019 in 1926, or 30.33 per cent.

The report points out that one railroad alone—

Estimated a revenue loss of $3,327,852 per year due to motor-bus competition.

Referring to the evidence submitted by the railroads as to the decrease of traffic in less-than-carload shipments, the commission says:

A large volume of short-haul less-than-carload traffic formerly handled by the steam railroads now moves in motor truck. In 1920 class 1 steam railways handled 89,901,495 tons of less-than-carload freight. In 1926 it dropped to 68,296,686 tons, a decrease of 24.03 per cent. The carload freight handled by those carriers increased from 64,439,482 carloads in 1920 to 71,060,904 in 1926, or an increase of 10.28 per cent.

According to the commission's report, one railroad showed 14 per cent decrease in freight traffic handled in less-than-carload lots during the period from 1921 to 1925, and another road showed a decrease of 34 per cent from 1917 to 1925. The commission in its report attributes this reduction in freight revenues to the operation of the motor truck when it says:

The reduction in less-than-carload tonnage was generally attributed to motor-truck competition.

So it appears to me that, in view of these facts and findings, it is not surprising that the railroads are primarily interested in this legislation and it is logical to assume that they are vitally interested in the provisions of this bill. But we will go a little further and examine some of the evidence reported in the hearings before the committee on January 8 and 9, 1930. On page 22 we find Mr. Pride quoting Mr. Thomas H. MacDonald, Chief of the United States Bureau of Public Roads—and let me say at this point that by reason of his position and his intimate contact with the highways systems throughout the United States Mr. MacDonald should be in a position to speak with authority as to who is primarily and vitally interested in using the public highways of the various States in interstate transportation. Mr. MacDonald is quoted as saying:

There are two aspects to the demands for Federal laws and regulations governing the utilization of the highways in interstate motor-vehicle operation which deserve scrutiny. The first is this: The principal demands for such laws are emanating from those in control of other types of transport. The second comes from operators of motor transport themselves. But the object in both cases is to limit and control competition.

Mr. Chairman, I will not go as far as some have suggested and say that this is a railroad bill, but in view of the evidence referred to I am convinced that if this bill passes as introduced it will mean that the railroad companies of this country will have a complete monopoly of the interstate transportation over our public highways within less than five years, for there is nothing in the bill so far that will prevent them from becoming absolute owners of every certificate of convenience and necessity issued by the Interstate Commerce Commission within the period suggested. Of course, the Interstate Commerce Commission may have the right to determine who shall receive these certificates, but in the light of the commission's history there is no doubt but what these certificates will be issued or transfer permitted to the railroads. Note what the commission says in its report on page 738:

No preference as a matter of right or law should be given to an established transportation agency where it is a question of furnishing a different kind of service. In determining the matter the regulatory body can and should give reasonable consideration to the financial responsibility, organization, and experience of an existing transportation agency and its ability to supply adequate and permanent service.

Now, suppose a railroad, "an existing transportation agency," with "financial responsibility, organization, and experience," should file an application for a certificate to engage in interstate commerce on a highway between station A and station B, and suppose a reliable, substantial business man should, at the same time, make application for a certificate permitting him to engage in interstate commerce on the highway between A and B, could there be any doubt in the mind of any one, in view of the above statement of the commission, as to which one of the applicants would receive the certificate?

Not in the least; and it is this situation that induces me to offer this amendment. If we were absolutely certain that the railroads would not obtain an absolute monopoly of the motor-

bus business, and if the States were given more regulatory power in their operation, most of the opposition would be dissipated, but in view of the present transportation situation and what we consider as excessive traffic rates there is sufficient reasons to be exceedingly apprehensive as to what would happen if this bill should pass in its present form. There is little doubt in my mind, with the power vested in the Interstate Commerce Commission by this bill coupled with the interest already manifested by the railroads, but what the railroads will have complete control of the interstate motor-bus transportation within the next few years, and there will be no possible chance whatsoever to secure any relief from passenger or freight rates, and if we pass the bill it will only be a year or so before there will be a demand on the part of the railroads to get possession of the exclusive right to carry freight on the public highways by interstate motor-truck transportation. If we will insert this amendment, there will be an opportunity for legitimate and wholesome competition between the bus lines and railroads, and the public may expect some relief from excessive transportation rates. Otherwise there will be no relief.

In this connection, I again call attention to the report of the Interstate Commerce Commission on page 725 when it refers to where one railroad company, in making several experiments in an effort to regain business, obtained permission from the State railroad commission to reduce its rates 50 per cent on hauls not exceeding 50 miles. The result of this experiment was that the competing trucks were practically all driven out of business. When the results were tabulated it was found that the railroad made no profit out of the business carried at the reduced rates, but we note that the report does not show where any losses were sustained. It is reasonable to conclude, therefore, that this particular railroad may have reduced its rates 25 or 30 per cent and continued to operate at a substantial profit. If there were some competition in business rates would certainly be lower, transportation companies would continue to operate at a profit, and the public would receive some little relief, but if this bill passes in its present form I can see no relief whatsoever from excessive transportation charges. Right now, as I understand, the railroads in my section are planning to petition the Interstate Commerce Commission for a 50 per cent increase in freight rates on car-lot shipments on watermelons from Georgia and South Carolina. I received in to-day's mail a letter from a melon grower in my district urging that I appear before the commission and try and prevent the increase. Of course, this bill makes no provision to regulate freight traffic by interstate motor truck, but, as I have already said, it will only be a few years, when the railroads get complete control of the interstate passenger traffic by interstate motor bus, before a demand will be made for similar legislation with references to freight-carrying motor truck.

I was hopeful that the committee in reporting this bill would leave some of the regulatory powers exclusively with the railroad commission or utility commissions of the various States, for this particular legislation is extremely unusual and I apprehend that sooner or later there will be decided dissatisfaction in the States on account of the failure of this bill to concede to the States a greater voice in the administration of the law. When the Federal Government undertakes to assume a jurisdiction of any kind over a public highway, which is exclusively a State agency, difficult problems are certain to arise. Of course, there can be no doubt as to the exclusive right of Congress to enact appropriate legislation regulating interstate commerce, but, to my mind, there is some doubt as to whether the Federal Government can appropriate the use of a highway constructed and maintained exclusively by a State or a county therein for such purposes. It has been suggested several times in these discussions that Congress can not in any way concede the States the right to regulate interstate transportation on public highways by motor vehicle for the reason that the Constitution gives Congress the exclusive right to regulate commerce. I am thoroughly aware of this fact and recognize fully the force of this argument, but the Constitution also gives Congress the exclusive right to establish and maintain post roads but so far it has elected to leave it entirely with the States to establish and maintain the roads for postal service, excepting, of course, the contributions made in recent years by the Federal Government.

As a matter of fact, the Government in many cases has required, as a condition precedent, that the States establish and maintain roads in a certain condition before it would inaugurate postal services thereon. The question, therefore, naturally arises whether the Federal Government may not, as a condition precedent, require a State to maintain a highway in a certain condition before issuing a certificate permitting the holder thereof to operate an interstate motor vehicle on such highway, which would be equivalent to forcing or coercing the State to go to the expense of maintaining a highway to accommodate a traffic under the control and exclusive jurisdiction of the Federal Government. This may not occur. We hope it will not, but if such a condition should arise and it is found that the railroads are in complete control of all of the interstate bus lines it will then be too late to say that this amendment should have been adopted.

Mr. Chairman, as I said at the outset the purpose of this amendment is to make definite, certain, and clear, that it will not become a railroad bill, and at the same time preserve free, fair, and wholesome competition between common carriers. It is generally conceded that we are in need of some kind of legislation to regulate interstate commerce by motor vehicle, but I am inclined to agree with the Interstate Commerce Commission in its report when it says that the initial legislation should be limited and not in too great detail. The commission in its report on page 746 says:

> The problem of regulating motor-vehicle operations in interstate commerce is a comparatively new one, and it is too early to attempt regulation in too great detail.

I am impressed also with the statement of Commissioner Woodlock on page 750 of the report, where he says:

> I concur in this report with reservations. Regulation is not in itself a good thing. The less regulation that is necessary, other things being equal, the better for the community. It is necessary in the case of public service utilities because of their monopolistic nature. Transportation in general is not per se of such nature; transportation by railroad is. Transportation by motor bus and motor truck does not necessarily depend upon monopolistic or semimonopolistic organization or performance. It is manifest that at the present time these services are much more largely of a competitive than of a monopolistic nature. For that reason the need for regulation, except in so far as concerns the public safety, is not wholly clear. This being so, regulation should proceed with caution and only in response to demonstrated needs. The great complexity of modern life has already compelled the centering of enormous power in regulatory bodies such as this commission. I do not view with satisfaction extension of the province in which that power is exercised, save under clearly demonstrated necessity for such extension. "Hasten slowly," it seems to me, is the only safe policy to be followed in matters such as those dealt with in this report. Let experience teach us.

This bill is unusually ambitious. It is endeavoring to regulate commerce over an agency in detail, and the great fear expressed on the floor of the House for the last week since the bill has been under consideration is that the railroad transportation companies will obtain a monopoly of the interstate motor-vehicle traffic on the public highways. I think I am voicing the sentiment of many Members who would like to see legislation of this kind enacted when I say that they are apprehensive as to what will be the result under the provisions of this bill as it now stands.

Understand that my amendment does not in any way destroy the purpose of this legislation, and it does not in any way attempt to interfere with the Interstate Commerce Commission in the discharge of its usual functions. It attempts only to say, for example, that, if I am operating a railroad, I shall not be eligible to secure a certificate of public convenience and necessity in preference to some other party or concern engaged in motor-vehicle transportation as a common carrier on a public highway. That is the sum and substance of this amendment. It precludes on its face the possibility of the Interstate Commerce Commission or any of the joint boards exercising the right to issue to a transportation company, a railroad company operating otherwise than upon highways, a certificate as provided for in this bill. If this is not to be a railroad bill, let us come forth and say so, let us make it definite, let us make it clear, so that the public may know who is going to operate these transportation lines.

Mr. LEA of California. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. LEA of California. Do I understand your amendment, if adopted, would prevent a railroad company from owning all bus lines that run along parallel lines?

Mr. HARE. Yes, it would prevent any railroad company from receiving a certificate giving it the exclusive right to operate bus lines over public highways.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. TREADWAY. Let me illustrate what I understand to be the gentleman's point in regard to a bus line in my immediate vicinity. My home is about 140 miles from New York. The New York, New Haven & Hartford Railroad Co. provides railroad facilities between New York and western Massachu-

setts, but about two years ago it inaugurated a very fine bus line, not in competition with anyone, but simply to increase bus facilities in that section. I take it that the gentleman's amendment would prevent the New Haven Railroad Co. continuing that excellent service that it has been giving the residents of western Massachusetts and visitors to that region?

Mr. HARE. Not entirely. Let me read from the amendment—

That no certificate of public convenience or necessity shall be issued, transferable or assignable, to a competing carrier engaged—

And so forth.

So in this case the gentleman's illustration would not apply at all, for, according to this statement, there is no "competing" carrier.

Mr. TREADWAY. The gentleman means by a competing railroad line some other railroad line coming in there and getting a right of way.

Mr. HARE. Not exactly. Here is my idea: Suppose an application is filed by an operator of a motor bus for a certificate to operate from station A to station B over a public highway; suppose it is in competition with a railroad and the railroad company also files application; or suppose an application is filed by a person or corporation operating some other system of interstate transportation, the Interstate Commerce Commission, under this amendment, would not be permitted to issue a certificate to either of the latter two applicants. The point is that if we are going to give exclusive right to operate over this new agency—the public highways—in interstate transportation, and if we expect to keep competitive operations in force, we must necessarily preclude the persons who own these competing lines of operation from receiving the certificate, because, if we do not, then within less than a period of five years all of these transportation lines on the public highways will be owned and operated by the railroads.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. ESTEP. Mr. Chairman, I ask unanimous consent that the gentleman may have one additional minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ESTEP. Mr. Chairman, as I understand it, if there were an independent bus line at the present time running from, say, Pittsburgh to New York, along the same route that the Pennsylvania Railroad Co. takes, the gentleman's amendment would prevent the Pennsylvania Railroad Co. from ever purchasing that independent or competing bus line or having it assigned to them, and then getting a permit or certificate.

Mr. HARE. The gentleman from Pennsylvania is exactly correct.

Mr. ESTEP. Is that the real crux of it?

Mr. HARE. Yes; because your independent line now would be a competitor of the railroad, but if we permitted the railroad company to purchase independent lines, there would be no competition whatsoever.

Mr. ESTEP. It prevents the Pennsylvania Railroad Co. from purchasing, but would not prevent the bus line from selling to some other company that was independent of the railroad competing line.

Mr. HARE. No.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. LEA of California. Mr. Chairman, this amendment involves a very important question of policy in reference to bus legislation. There is no problem presented by this bill that has caused me more concern as to what is the duty of our committee than the question of what we should do as to restricting the operation by railroad companies of bus lines running parallel with their own lines. We have had a great deal of experience in my State along this line. Every phase of this problem has been presented to us. Perhaps that is one reason why I feel the importance of the problem. I think there are some things we must recognize with reference to this question. One thing is that there are many routes in which it is not practical to have more than one bus operator. Out in our State we have many lines of that kind. In many of those lines no one complains about one operator being given the exclusive privilege over those particular routes. The public recognizes that it is not going to get good service with any more than one operator on those particular routes.

Many small communities are given bus service that had no regular transportation service for the public before the bus developed. Therefore in any sensible regulatory measure we must authorize the commission in many cases to give an exclusive privilege to a regular operator.

Another thing that we must recognize is this: There are many routes that justify two or more operators. We recognize that principle on page 12 in subdivision (e). You recognized it to-day when you adopted the Oliver amendment. In other words, there is a value to the public in competition that we can not lightly disregard, and when we grant consolidation of bus lines with railroad lines we must retain, so far as the public interests will permit, the value of competition, especially as between the great centers of population in the United States.

This bill is drawn on that theory. At the bottom of page 12 you will see a declaration that it is the policy of this measure to preserve competition. Competition shall not be surrendered except where it is found to be in the public interest.

The third consideration that we must recognize is that railroads in some cases should have the right to operate bus lines. In 1920 the railroads carried 1,230,000,000 passengers. In 1926 they carried only 860,000,000, or a loss to the railroads of 370,000,000 passengers. That many and more have gone from the railroads to the busses. In many instances that has led to the abandonment of passenger service on short-line railroads. If you adopt the amendment here proposed, you would say to those roads, "You must not conduct this transportation business. You have been in the transportation business for years. Your method of transportation is dwindling away, but we will not authorize you to use a new method of transportation."

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield there?

Mr. LEA of California. In a moment.

In my own section the other day a short-line railroad presented a petition to the commission to abandon its passenger traffic. They showed that a branch line, less than 100 miles in length, was daily losing $150 by reason of loss of passenger traffic.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield there?

Mr. LEA of California. In a moment. They petitioned for permission to establish a bus line to the communities they served and to abandon the railroad passenger service. There was no contention that the railroad should not be permitted to abandon its passenger service. It is not to the public interest to require a transportation company to lose $150 a day. Is it just for us to write a law and say to that railroad company, which has its stations established and its agents and all facilities provided, "You shall not own or control a bus line"? Would there be any justice in that?

Mr. HARE. Mr. Chairman, will the gentleman yield?

Mr. LEA of California. Yes.

Mr. HARE. Would not the Interstate Commerce Commission, under this bill or under existing law, have the right to prevent the establishment of a highway transportation line in competition with that railroad?

Mr. LEA of California. It has.

Mr. HARE. Then would it not be wise, in the first place, to deny the certificate of public convenience and necessity to anyone and allow this road to continue operations and make its $150 a day instead of giving it the right to operate a transportation line over highways, and then in some other section give it the right to operate on the highways and thereby build up a monopoly, instead of conserving competition?

Mr. LEA of California. That policy was pursued for a while and the railroad company was losing just the same, and then the railroad commission began the policy of granting permits to railroad companies.

Mr. ABERNETHY. Mr. Chairman, will not the gentleman from California yield? If he does not want to yield, all right.

Mr. LEA of California. I will yield to the gentleman. I simply wanted to try to make an orderly presentation of my matter before yielding.

These lines are permitted to run busses. We have a number of those instances in the State of California. In some instances we have two different lines running parallel with the railroads, and in sparsely settled sections we have but one line in many instances. I do not see how we can avoid that general policy. Mistakes may be made in the exercise of that power in individual cases but I think we must adhere to that general policy.

We come to the proposition of excluding the railroad companies from the public highways. Of what interest to the public is it to prevent a railroad from adopting this new kind of transportation? Transportation has been their business ever since they have been incorporated. I do not see why we should exclude them now.

The Oliver amendment which was adopted to-day was written on the theory that the railroads, when in the public interest, shall have the right to operate bus lines. On the other hand, the policy of this bill is to preserve competition and grant a

certificate to railroads and also to other operators when the character of the traffic justifies it from the standpoint of public interest.

Now I yield to the gentleman from North Carolina.

Mr. ABERNETHY. I have great respect for the gentleman's opinion. He has been on the committee for a long time. What concerns me is this, that we now have some competition in the interest of the people, and now it seems to me you are enacting this legislation, and we are going, to a great extent, to do away with the present competition. I think the railroads ought to be treated fairly, but I do not think they should have a monopoly of transportation.

Mr. LEA of California. We do not give the railroads any advantage by this law that we do not give to the other operators of bus lines. Either may secure an exclusive certificate and either may have a competitor.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. DENISON. Mr. Chairman, the amendment offered by the gentleman from South Carolina [Mr. HARE] has two parts. I have no doubt the intention of my friend from South Carolina is entirely good, but evidently he has not given this matter enough consideration, because his amendment is ambiguous and is capable of doing a number of things that he does not contemplate; all of which goes to show that in writing legislation of this kind we should be very careful, and that it is very difficult to write such legislation during debate on the floor of this House.

Now, let me read the first proposition:

No certificate of public convenience and necessity shall be issued, transferable, or assignable, to a competing carrier engaged in a different system of transportation.

If there is a railroad operating between two towns, this amendment would prevent the commission from issuing a certificate of convenience and necessity to a motor carrier. Do we want to do that? This amendment will give a monopoly to the railroads over the routes where there are railroads already in operation. I will read it again:

No certificate of public convenience and necessity shall be issued, transferable, or assignable, to a competing carrier engaged in a different system of transportation.

That would at once prohibit the commission from issuing a certificate of convenience or necessity to a motor carrier if there is a railroad operating between the two points.

Mr. HARE. Will the gentleman yield?

Mr. DENISON. I yield.

Mr. HARE. The gentleman can not read two or three words of the amendment and place that interpretation on it. The gentleman must read the entire amendment. Read the last few words of the amendment. That applies to certificates issued for transportation on highways only. This has no reference to certificates issued for transportation on railroads or water or anything else. It applies only to highways.

Mr. DENISON. I am discussing the amendment in perfect good faith. I am discussing the first proposition now.

Now, as to the second part of the amendment—

Or to any person or corporation owning stock or financially interested directly or indirectly in the operation of interstate transportation other than that provided for in such certificate.

Now, if I can understand English, that means that the commission shall not issue any certificate to, nor shall any certificate issued be transferable to, any person or corporation that owns any interest, directly or indirectly, in any other system of transportation, whether it be motor transportation or not. So that no certificate shall be issued to any person who owns any other bus line and any interest in a bus line. The Gray Line could not go down into Virginia and buy a little bus line in that State, nor could they go to South Carolina and buy a bus line in that State.

Mr. HARE. Will the gentleman yield?

Mr. DENISON. I yield.

Mr. HARE. I think the gentleman wants to be fair, but I think he knows that "any other system of transportation" clearly means any other system apart from motor vehicles. It does not attempt to exclude any other type of transportation. It means any transportation not carried on by motor vehicle, for instance, by steam, air, or water. It is clear that that is the only interpretation to be placed upon it.

Mr. DENISON. I stated a moment ago that I knew the intention of my friend from South Carolina was good, but the gentleman has not put his intention into the amendment which has been offered. I am taking the language of the amendment itself, and it is as clear as it can be.

Mr. HARE. If the gentleman can clearly interpret that phraseology, does he not think that those who will have the right to interpret it and enforce it will understand it fully as well?

Mr. DENISON. The amendment offered by the gentleman, which is now before the committee, evidently does not do what the gentleman thinks it does. Of course, it would not do to adopt this amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McSWAIN and Mr. PARKER rose.

Mr. McSWAIN. Mr. Chairman, there has been 15 minutes of debate in opposition to the amendment and only five minutes in favor of it.

Mr. PARKER. Mr. Chairman, I move that all debate on this amendment close in five minutes.

Mr. ABERNETHY. Mr. Chairman, I would like to have five minutes.

Mr. McSWAIN. Mr. Chairman, I would like to have five minutes. Will the gentleman make it 15 minutes?

Mr. PARKER. I amend my motion, Mr. Chairman, to provide that all debate on this amendment close in 15 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from New York, as amended.

The motion as amended was agreed to.

Mr. McSWAIN. Mr. Chairman, I think there are situations where a certificate might properly be issued to a railroad company, especially in a case such as that described by the gentleman from Massachusetts. The amendment offered by the gentleman from South Carolina [Mr. HARE] does not impinge upon that situation, because this amendment prohibits the issuance of a certificate to a competing motor carrier when that competing motor carrier is owned or controlled by a company operating a different system of transportation, whether it is steam, water, air, or otherwise. If there is a highway over which there is no system of motor bus traffic at the present time and a railroad company wants to put on such a motor bus route, it can do it so far as this amendment is concerned; but if some private, separate, or different corporation, individual, or firm is already operating a motor-bus route, and a railroad which virtually parallels that line all of a sudden decides it wishes to add to the public convenience by putting another bus route upon that same highway, you can very well imagine that that railroad company has something in its mind other than the public convenience, advantage, and benefit. It has some sinister motive if it wants to put a second motor bus route over that highway and divide the traffic.

Now, how can it run an existing motor-bus line out of business? Of course, it can not cut the rates. The Interstate Commerce Commission would not allow it to do that. It can not furnish free transportation. The law would not allow that. But a railroad company can very easily do this: It can put busses of such elegance, of such luxurious equipment, of such conveniences, and make riding in their busses so attractive that a private individual who has been furnishing transportation to the public throughout all these years, who has been scuffling for life and now wants to get some of the benefit of this law, can not meet it. He is put out of business, and then the railroad company secures a monopoly of the business, and whether or not it continues to operate for the public convenience and the public interest thereafter will be a question for it and the Interstate Commerce Commission to fight out.

Now, this, I say, goes to the nerve of this whole business. Is the object ultimately to let the railroad companies gobble up these bus lines? It has been so charged. If that is not the purpose, let us write this amendment in the bill so they can not gobble them up. Now, whether a competing bus line wants to sell out or not, whether it would like to make a profit on its investment, and whether a little private corporation can be organized under a charter from some State that makes a business of running a charter mill is their business. We can not control that, perhaps. But we can say that the Pennsylvania or the Southern or any other railroad company can not come in and by their superior financial strength run out and destroy an existing bus line. That is all this amendment purports to do, and that is all a fair construction of it can mean.

Mr. DENISON rose.

Mr. McSWAIN. I understand the gentleman, and I think I will answer the gentleman right now in anticipation, but I ask him to let me proceed for a moment.

This paragraph is dealing with motor busses. The gentleman wants us to write in here in order to make it complete and in order to make it beyond peradventure as to its meaning the whole of Webster's Dictionary. But that is not necessary, because we are dealing with motor-bus carriers, and whenever it says here a competing carrier it means a competing carrier, and whenever it says another carrier engaged in a

different method of transportation it means a carrier controlled by a corporation engaged in carrying passengers by steam, by air, by water, or some method now unknown.

Now, gentlemen, this is the test as to whether or not we are in good faith in preserving private enterprise and independence and whether we want to give the ordinary citizen and the little corporation a chance in the transportation business.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MAPES. Mr. Chairman and members of the committee, I would like to assure the gentleman from South Carolina, to use his language, that it is not the purpose of this bill to authorize railroad companies to gobble up the motor-bus transportation of the country. As the gentleman from California said, this particular provision, and related subjects, gave the Interstate and Foreign Commerce Committee a great deal of concern, and a great deal of consideration has been given to it. I think if gentlemen will study this bill carefully and impartially they will see that as much protection has been put around the issuance of these certificates to the applicants for the right to run motor busses as can reasonably be done.

The language on page 12, at the bottom of the page, says that in issuing the certificates competition shall be encouraged as much as possible, and on page 20 the bill provides, that in fixing rates the commission shall not take into consideration at all railroad fares or what it costs to ride on a railroad.

There are many instances over the country where the stock of motor-bus transportation companies is owned by railroad companies or those interested in railroad companies, and the adoption of this amendment would work a hardship on the public now served by such companies. The gentleman from Massachusetts has given an illustration of the situation in his community. The gentleman from Illinois called attention to what this amendment does. It is very restrictive and should not be hastily acted upon.

With reference to the question asked by the gentleman from South Carolina [Mr. HARE] my understanding is that the court takes into consideration the intent of Congress when the language is uncertain and indefinite, but when it is clear and definite, as it appears to be in the gentleman's amendment, the court does not take the intent into consideration.

Now, this amendment not only applies to steam railroads but it applies to interurban roads as well; and if written into this act it would prevent them from operating motor-vehicle busses. In my own city they tried to prohibit interurban roads from running motor busses, with the result that the interurban system went into the hands of receivers. It might eventually have gone into the hands of a receiver in any event, but that action was hastened by reason of this prohibition. The policy was later changed and the interurban was given the right to run motor busses as supplemental to the regular service as feeders to it. No independent line could prosper running in competition with the interurban and the interurban could not prosper without the right to supplement its business by motor transportation.

The testimony of one witness before the committee was that the railroad companies are suffering more from the use of private cars than they are from the competition of motor busses. As I recall the testimony, one witness at least gave it as his opinion that the damage to the railroads through the competition of motor busses was very slight, and that their chief damage results from privately owned cars.

This amendment is so drawn that it seems to me, as well as to other members of the committee, it would be very dangerous to adopt it. The only practical way to handle this question is to lodge the authority of passing upon the question of issuing these certificates to the Interstate Commerce Commission and the joint boards where they have power to act. We must assume that their action will be dictated by the public interest.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. HARE].

The question was taken; and on a division (demanded by Mr. HARE) there were—ayes 30, noes 72.

So the amendment was rejected.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word.

I am interested, particularly, in one phase of this bus transportation matter and in this connection I would like to ask the committee a direct question using this illustration.

There are organizations of tourist agencies that either own or rent busses. You can go to an office, probably here in the city of Washington or in any other city, like Philadelphia or Pittsburgh, and purchase a ticket that will entitle you to a week's journeying through New England or through the Adirondacks or through any other section you may desire to visit, and include in that ticket your expenses en route; that is, an inclusive ticket that covers both your transportation and your hotel accommodations.

These organizations of tourist agencies do not carry on this sort of a party continually and they are not sure of a specified date, and if, for instance, they advertise such a tour and eventually not enough persons purchase tickets, they naturally cancel the date and transfer the request for accommodations to some other date. So it is more or less an intermittent business, but it is carried on very extensively throughout the summer season.

The question I would like to propound to the committee and have definitely understood with respect to the purpose of the committee is this: Are bus lines operated in the manner I have described subject to any special provisions within this bill; and if so, what?

This kind of business is carried on, not only from here up through New England but almost everywhere, and I think it would be very important to have as a matter of record just what is the relationship of this type of motor-bus transportation as regulated or controlled by this bill, and I would like very much, indeed, to have a positive and definite statement from the committee.

Mr. DENISON. Will the gentleman answer this question? Do they own the busses the gentleman is talking about operating?

Mr. TREADWAY. I think as a rule they do, but I would not say definitely as to that; in fact, I can see in my mind's eye now some of these busses going through our section with the name of the tour on it, but nevertheless I would not feel authorized to say that in all instances they own the busses.

Mr. DENISON. My answer to the gentleman's question would be that such concerns that run trips of that kind would have to secure, if they operate in interstate commerce——

Mr. TREADWAY. It would be interstate commerce.

Mr. DENISON. Would have to secure from the commission a permit authorizing it to operate as a charter carrier, under section 7. They would make application to the commission immediately after the passage of this bill for a permit to operate as a charter carrier.

Mr. TREADWAY. Is that paragraph (a) or the whole section?

Mr. DENISON. The entire section. Such carriers are not engaged in common-carrier business, but they accept business for special trips, even sometimes including hotel expenses.

Mr. TREADWAY. Yes.

Mr. DENISON. They are charter carriers. They get a permit from the commission and that permit will operate indefinitely until it is revoked by the commission. In the issuance of that permit the commission will require the carrier to provide insurance to protect its passengers; it will require the carrier to provide safe equipment; it will require the carrier to employ qualified drivers and not work them longer than a certain number of hours a day. We only supervise, in a general way, such carrier, the regulations going far enough to protect the people who patronize them and to protect the public.

Mr. TREADWAY. May I add from what the gentleman from Illinois says my interpretation of the control is that it is purely one for the benefit of the purchaser of a ticket from such a bus line?

Mr. DENISON. That is true; absolutely.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. McSWAIN. Mr. Chairman, I rise in opposition to the pro forma amendment, for the purpose of asking a question.

I desire to ask the gentlemen of the committee to refer to the fact that, on page 10, I offered an amendment in line 8, inserting the word "legal" before the word "operation."

This amendment I withdrew upon the assurance that the language in subparagraph (b), on page 11, covered what was manifestly the object of my amendment; to wit, to prevent some person who anticipates the passage of this bill from jumping in, not to serve the public primarily, not to make money out of the operation of a commercial passenger business, but for the purpose of having a sort of franchise or an automatic certificate issued which would be available so that he could go upon the market and sell it.

I want to ask the gentleman if the language in line 17, for instance, would authorize and permit a competitor, a competing concern which had been operating in good faith and whose business or the value of whose route would be impaired by the issuance of an automatic certificate to such a fly-by-night operator, to come in and furnish information to the commission that this

fellow was, we might say, a sort of sagebrush camp follower, was not a bona fide operator?

Mr. DENISON. I will read the language of the act:

If it appears from the answer to the questionnaire or from information otherwise furnished (1) that the carrier or a predecessor in interest was in bona fide operation on January 1, 1930, as a common carrier by motor vehicle in interstate or foreign commerce on any public highway and (except as to seasonal service or interruption of operation over which the applicant or his predecessors in interest have no control) continuously has so operated since that date and (2) that such operations are bona fide for the purpose of furnishing reasonable continuous and adequate service at just and reasonable rates—

And so forth.

All those questions are entered into by the commission, and it is done on information that may come from any source.

Mr. McSWAIN. And the motor-bus carrier would have the right to intervene to show that he was such a carrier?

Mr. DENISON. Yes.

Mr. MOORE of Virginia. Mr. Chairman, I offer an amendment to strike out the subsection.

The Clerk read as follows:

Page 11, beginning on line 3, strike out subsection (b).

Mr. MOORE of Virginia. Mr. Chairman, I apologize to the committee for again trespassing on its time, and I hope to find it unnecessary to do so again.

I have often disagreed sharply with my friend from Alabama [Mr. HUDDLESTON], a member of the Committee on Interstate and Foreign Commerce, but I recognize that he is a very able, a very thoughtful man, and I have here one expression of his relative to this bill with which I am in the most hearty accord. He says this:

Sections 4 and 5 embrace the so-called "grandfather clause," which recognizes as a vested interest the business of those who were operating busses on January 1, 1930. It grants to those operators a precedence and a priority and is intended to secure to them the required permission to continue their operations. This clause discriminates against all those now operating who may have begun after January 1, and all those who may desire to begin operations in future. As a discrimination, it is unsound in principle. If we are to grant certificates giving exclusive rights and privileges, all desiring them should apply on an equal basis, and all applications should be considered upon their merits, without preference or priority, and with an eye single to the public interest.

I do not think there could well be a clearer or stronger statement of an ancient doctrine, which, however, threatens to become worn out—the doctrine of equal opportunity.

If this were a State legislature working on this bill there is not the slightest sort of doubt that the question would be raised as to whether this preference provision does not violate the prohibition of the fourteenth amendment with respect to the equal protection of the laws. There is no such constitutional obligation binding on the Congress, but nevertheless we are talking now about a fundamental principle, which it seems to the distinguished gentleman from Alabama, and strikes me, ought to be very carefully considered and observed if possible.

Without any particular argument, beyond the argument contained in what I have quoted, let me state the case that is going to arise in the event that this legislation is adopted as now framed.

There is a carrier actually operating at the time the act becomes effective. By section 4 that carrier, as a matter of course, is permitted to continue operating for 90 days. After that if it files its application it is allowed to continue in operation indefinitely until the application is passed on.

What more ought to be done to safeguard motor-vehicle carriers than that? But when we come to section 5, and particularly this subsection to which I am offering an amendment, what do we find?

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MOORE of Virginia. I ask for five minutes more.

The CHAIRMAN. Without objection, it is so ordered.

Mr. MOORE of Virginia. We find that that carrier, when the commission comes to consider its application along with the application of other carriers not actually operating at the time the law is passed, is put in a favored class by itself. The commission is authorized by the terms of this subsection to send out a questionnaire to obtain information, or may obtain it otherwise, and if it is satisfied with the character of the concern then it grants the application, and without any reference to a joint board. Other carriers that have filed applications for permission to operate over the same route are required to go before joint boards, and they are liable to be held unnecessary.

Mr. NELSON of Maine. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. NELSON of Maine. Does not the gentleman feel that a man who has taken the risk of the venture, has gone into this field and invested his money in these busses over a route where the service is needed, has built up his terminals, has built up his trade, is entitled to any consideration over a stranger who wants to come in?

Mr. MOORE of Virginia. He is given consideration to an extent that I think is sufficient by section 4, and beyond that I care not how rich he is.

Mr. NELSON of Maine. I am not talking about that.

Mr. MOORE of Virginia. And without regard to whether it is a carrier owned or not by a railroad. I have no bias on earth against the railroads, and I am not talking now except in the public interest, if I know myself. I think when we reach a point of the applications being filed and the existing carrier being accorded the right to operate until his application is considered, the fair limit is reached. I can imagine a case in which the other applicant is much more deserving than the existing operator. There will be many such cases in which the second or the third applicant not already operating is more deserving of consideration and the issuance of a license than the carrier in operation.

Mr. NELSON of Maine. Then if the gentleman could have this bill as he would like to have it, he would have these matters left to the local boards with power to turn out all of the men who have been in the business and put in somebody else?

Mr. MOORE of Virginia. My friend is now getting back to the joint board matter, but we have already discussed that and have agreed that the joint boards are merely advisory, and that final decision rests with the commission.

What I am talking about now is the provision that divests the joint boards of any look-in or control and confers upon the commission authority to say that the existing carrier shall be allowed to continue in operation, whereas the other applicants who are not immediately operating have to go through the processes that are provided in the previous sections of the bill. I do not know anything particularly about the motor-vehicle carriers between Richmond, in my own State, and Washington or points farther north, but speaking for my own State and wishing to be fair to all applicants, whether they have already made investments or not, whether they are actually operating routes or not; what I wish is not to give any priority, not to accord any superiority, but allow the existing carrier or carriers to go along as authorized in section 4 until the commission passes on their application or applications, and then require that such an application shall be treated and dealt with in precisely the same way in which the other possible applicants are dealt with, although the latter may be new to the situation.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. BURTNESS. Mr. Chairman, of course this is one of the very important provisions in the bill, sometimes denominated the grandfather clause.

Mr. MOORE of Virginia. This is the great-grandfather clause; section 4 is the grandfather clause.

Mr. BURTNESS. Unfortunately, whenever that term is used a certain amount of derision and prejudice is carried with it, but let us see if we can understand the situation. Since the Buck and Bush cases were decided in 1925 the accepted law has been that the States can not regulate interstate busses.

For five years Congress has had the power to regulate such business, if it had so desired, but we have not availed ourselves of that power. What has happened in the meantime? Business men and others, seeing the need and the opportunity for establishing this important means of transportation, have invested their money, they have bought their busses and equipment and plants. By giving good service they have acquired the good will in most cases of the traveling public. They have been well patronized. In many cases they have built large, fine terminals, and the terminals alone, perhaps, throughout the country amount to a value of millions of dollars.

All of this has developed naturally in accordance with business demands throughout the country. The total property invested in them is very valuable. True, they have known that they might be regulated, but we have been slow in bringing about regulation. Finally Congress determines to regulate them; or let us assume that—that this bill is passed and is signed by the President. Then what happens? The gentleman from Virginia [Mr. MOORE] would have you place those people with all of their investments, with all of their business, in no better

position in applying for a certificate of convenience and necessity than some individual who has done absolutely nothing toward the development of this business. Is that the fair way to treat pioneers in any industry, I do not care whether it be a matter of transportation or something else?

There is another important matter that I do want to correct. I do not think the gentleman from Virginia has the impression, but I think some gentlemen on the floor do have the impression that the grandfather clause in this bill gives to any motor operator the absolute privilege to obtain a certificate of convenience and necessity as a matter of right. It does not do that.

It may be true that the original bill introduced some years ago did that; I have forgotten; but in so far as this bill is concerned, the committee has written around the provision of the so-called grandfather clause certain conditions that are in the public interest, and I think conditions sufficient to protect the public interest.

As soon as the bill is passed all of the operators who were doing business continue until the commission can act on their applications for a certificate of convenience and necessity. Let us hope that may be done in 90 days, but we can readily realize that with the thousands and thousands of applications that will be sent down to the commission it may be absolutely impossible for the commission to pass on all of them in 90 days. So, under section 4, which the gentleman from Virginia [Mr. MOORE] denominates as the grandfather clause, though I do not consider it so at all, they are given further time until they can pass on the applications for certificates of convenience and necessity. Under the amendment adopted this afternoon those who were in operation on March 1, 1930, will be treated separately and distinct from those who commenced operations thereafter, or those who have not commenced operations at all, and simply apply for a certificate of convenience and necessity.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. BURTNESS. Mr. Chairman, I ask for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. BURTNESS. Now, the certificates are not granted arbitrarily, but——

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. In a moment. I want to get through with my thought.

The commission can not grant a certificate of public convenience and necessity to operators, even if they have operated for five years or any other length of time, unless they find at least three things: First, that the carrier was in bona fide operation on March 1, 1930; second, the commission must find that the operations were bona fide, and also that they were for the purpose of furnishing reasonable and adequate service at just and reasonable rates. No fly-by-night operator is entitled to a certificate under this clause. It must be an operator who is furnishing continuous and adequate service at just and reasonable rates. And third, they must find that the applicant is fit and able properly to perform the service required, a very important requirement to be affirmatively determined.

Now then, if you have a concern that has a bona fide business developed along a particular line and is furnishing adequate service at just and reasonable rates and is able and fit to perform that service, should it not, in justice, have some consideration as compared with one that has not been engaged in the business but simply comes from somewhere, with no equipment, and is only able to show that they can buy an equipment and make a start? It is not our province, nor should it be, to drive people out of a legitimate business which they have established.

This, I think, is an absolute necessity. If you do not write a so-called grandfather clause in this bill, I should fear very much that the administration of the bill might absolutely fail and break down. I do not know how many transactions there are at the present time, but they probably run into the thousands. If the Interstate Commerce Commission should have to refer all such transactions to joint boards or to the commission or its examiners and give the same attention to every application that comes in, as where certificates of public convenience and necessity from new operators are petitioned for, they could not do it. At least there would be such a delay in the administration of this bill that it would become a farce.

Mr. WOLVERTON of New Jersey. In the remarks he has made the gentleman has shown that the pioneers in this business should be protected in their rights. Is it not also true that the provision he is now discussing insures competition where it now exists?

Mr. BURTNESS. Of course. This is a peculiar thing about it. Some people who talk about preserving competition and allowing everybody to come in forever are not willing to let all competitive agencies already established come in and obtain a certificate of public convenience and necessity. The maintenance of competition is one of the reasons considered in the committee for this clause. We wanted to give each business properly established, rendering a good and adequate service, the right to obtain a certificate rather than allowing the commission or the joint board where two or three lines are operating to grant the certificate to only one.

The provision of this bill as it stands is designed to maintain competition; but a competition in the public interest, rather than an unrestrained, expensive competition, which is not generally in the public interest in the operation of any public utility.

Mr. PARKER. Mr. Chairman, I move that all debate on amendments to this section be now closed.

The motion was agreed to.

Mr. CANNON. Mr. Chairman, it is now late in the afternoon, and I would like to move that the committee rise——

The CHAIRMAN. The Chair does not recognize the gentleman for that purpose.

Mr. CANNON. I move that the committee rise and report the bill back to the House, with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Missouri makes the motion that the committee strike out the enacting clause.

Mr. CANNON. Mr. Chairman, I desire to be recognized in favor of the motion.

Mr. Chairman, the committee system is indispensable in any large legislative body. No one Member could so much as read, much less digest, the number of bills and the volume of legislation coming up for consideration. But the system has its disadvantages, as when a bill requiring material amendment gets past a committee, as in the present instance.

Let us consider first the source of the demand for this bill. Are the patrons of the bus lines asking for this legislation? Is there a request on the part of the traveling public for a bill of this character? Has the press of the country urged enactment of such a measure? No. There has been no widespread agitation over the country in behalf of this bill, as in the concerted movements for modification of sumptuary laws. There has come no flood of petitions as was received urging the enactment of veterans' legislation. There have been no delegations appearing before the committee from the farm organizations or other organizations as besieged the House when farm relief bills legislation was under consideration.

Whence, then, comes the request for the passage of this bill—one of the most important and far-reaching pieces of legislation that has engrossed the attention of the Congress since the World War?

Fortunately, that question is answered by my good friend, the gentleman in charge of this bill. He tells us frankly that it was demanded by the interested parties themselves—the bus people, the railroads, and the trolley lines. In passing this bill, then, we are legislating not for the interest of the people, the patrons, the traveling public, but in the interest of the bus lines themselves.

Mr. RAYBURN. Mr. Chairman, the chairman of the committee ought not to let a statement like that to be made. I do not think the chairman of the committee ever made such a statement or gave such an intimation.

Mr. CANNON. I confess I was surprised myself at the origin of the bill so frankly avowed, but I have merely quoted verbatim the statement made by the chairman in his speech opening general debate on the bill on March 12 and reported in the CONGRESSIONAL RECORD of that date.

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Gladly.

Mr. PARKER. I did not say the demand came from them. I said the original bill was drawn by them. I say it now.

Mr. CANNON. That renders it still more objectionable. It is legislation for the corporations, drawn by the corporations, and for the corporations. The patrons do not seem to have been considered.

Mr. PARKER. But they would not know the bill now.

Mr. CANNON. Any changes seem to have met with their hearty approval. They are unanimously in favor of the bill as reported to the House. And why not? The bill is everything that they can desire. First, it provides for fixing rates; second, it will increase their revenues; and, third, it will weed out competition.

The bill delegates to the Interstate Commerce Commission the identical power to fix bus rates it is now exercising over the railroads—the power to fix rates. I recall with what abandon

gentlemen on the floor here denounced the McNary-Haugen bill because, as they alleged, it proposed to fix prices. The McNary-Haugen bill was decried as unconstitutional, uneconomic, and communistic because they affected to see in it what they chose to denounce as a price-fixing measure.

And here is a bill which as certainly delegates to the Interstate Commerce Commission the power to fix bus rates as it is now authorized to fix railroad rates.

Let us see how this power operates in actual practice. In Missouri we have a law which clothes our State public service commission—the counterpart in the State government of the Interstate Commerce Commission in the Federal Government—with power to fix rates charged by intrastate carriers similar to that here sought to be conferred in the fixing of rates charged by interstate carriers. A bus line charged a fare of $4.50 from St. Louis to Kansas City. The fare charged by the railroads from St. Louis to Kansas City is $10.04. Naturally the railroads lost a great part of the passenger traffic between the two cities, as the average passenger preferred to travel by bus and save the $5.54. The railroads complained to the public service commission and the public service commission ordered the bus line to increase its rates. And, although the bus line was making ample return on its investment and any increase in its rates was exacting money from the public for which it gave no return whatever, it was compelled to raise its rates in order to permit the railroads to pay dividends on watered stock. That is the power which this bill proposes to vest in the Interstate Commerce Commission—the power to make the public traveling on interstate bus lines pay more than twice what the service is worth in order to destroy free and legitimate competition with transportation monopolies.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CANNON. I ask unanimous consent to proceed for five minutes.

Mr. MAPES. I object.

Mr. HOCH rose.

The CHAIRMAN. The gentleman from Kansas is recognized for five minutes.

Mr. HOCH. Mr. Chairman, as a member of the Committee on Interstate and Foreign Commerce, I can not permit the wholesale indictment of this legislation and of this committee to pass unchallenged. I deny categorically that this bill was written by the railroads, by the bus operators, or by any other special interests.

Mr. CANNON. Will the gentleman yield?

Mr. HOCH. I will not yield for the moment.

I have been a member of this committee for 9 or 10 years, and I say to the gentleman from Missouri and to other members of this committee, I have never seen a piece of legislation given any more serious consideration or any more thorough consideration in the public interest. I have never seen more loyal application to a job than was given by the members of this committee, both Republicans and Democrats, in considering every line, every phrase of this bill, to seek to protect the public interest.

This bill has been rewritten almost from first to last since it was first presented. I did not approach this subject as one particularly impressed with the need of this legislation, but as the matter progressed I became convinced that there was necessity for some legislation.

The gentleman says that the railroads wrote this bill and that nobody asked it except the special interests. The Interstate Commerce Commission conducted a long investigation. They came before us and they are on record in the strongest sort of language recommending this legislation. Representatives of the State commissions came before us and pleaded for this legislation. Certainly we must recognize that the State commissions have some right to speak for the public interest. Forty-seven States have already enacted legislation along this line, and the State commissions came before us and said:

> We have written legislation of this sort. Here are interstate operators who are operating, running wild, without any regulation and without any protection not only of the public interest but of the rights of the State, and we urge upon you the necessity of additional legislation.

The committee took this bill from the start, went through every part of it, and if the gentleman will read the bill carefully, he will find provision after provision written in here, certainly, that the railroads did not write, that the bus operators did not write, but, notwithstanding that, the gentleman comes on the floor and at the last moment—I have not heard the gentleman offer any amendments to protect the public interest——

Mr. CANNON. Will the gentleman yield?

Mr. HOCH. I do not yield.

The gentleman comes here at the last moment and indicts the sincerity and I might almost say the integrity of the committee, and as one member of the committee I challenge that statement and deny the truth of it. [Applause.]

Mr. CANNON. Will the gentleman yield?

Mr. HOCH. I do not yield.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five minutes. Is there objection?

Mr. MAPES. I object.

The CHAIRMAN. The question is on the motion of the gentleman from Missouri to strike out the enacting clause.

The motion was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. MOORE].

The amendment was rejected.

The Clerk read as follows:

PERMITS FOR CHARTER CARRIERS

SEC. 7. (a) No corporation or person shall operate as a charter carrier by motor vehicle in interstate or foreign commerce on any public highway unless there is in force with respect to such carrier a charter carrier permit, issued by the commission, authorizing such operation; except that any charter carrier by motor vehicle in operation on the date of the approval of this act may continue such operation for a period of 90 days thereafter without a charter carrier permit, and if application for a permit authorizing such operation is made to the commission within such period the carrier may, under such regulations as the commission may prescribe, continue such operations until otherwise ordered by the commission.

(b) Applications for such permits shall be made to the commission in writing, verified under oath, and shall contain such information as the commission may require. If it appears from the application or from information otherwise furnished that the applicant is fit and able properly to perform the service proposed, then a charter carrier permit shall be issued to the applicant by the commission. The commission shall specify in the permit the operations covered thereby, and shall attach to the permit, at the time of issuance and from time to time thereafter such terms and conditions as are necessary to carry out, with respect to the operations of such carrier, the requirements established by the commission under section 2 (a) (2).

Mr. PARKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PARKER: Page 14, line 15, strike out all after the word "appears," down to and including the word "furnished," in line 16.

Mr. PARKER. Mr. Chairman, it is perfectly clear what this amendment does. The commission would naturally use the information contained in the application, and this is simply a clarifying amendment.

Mr. Chairman, I move that all debate on this amendment do now close.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. PARKER. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PARKER: Page 14, line 20, after the word "thereby" insert a comma and the following:

"So far as practicable."

Mr. PARKER. Mr. Chairman, that simply relates to charter carriers. The bill carries a specific specification, which, perhaps, it is not possible to meet. This simply gives a little more leeway so they can conform to the rules as far as practicable.

Mr. CANNON. Mr. Chairman, I rise in opposition to the amendment.

Mr. PARKER. Mr. Chairman, I move that all debate on this amendment do now close.

Mr. CANNON. Mr. Chairman, the Chair had recognized me, because I rose in opposition to the amendment.

The CHAIRMAN. The Chair had recognized the gentleman from New York, and he had the floor. The question is on the motion of the gentleman from New York that all debate on this amendment do now close.

The question was taken; and on a division (demanded by Mr. RANKIN) there were—ayes 66, noes 29.

So the motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DENISON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DENISON: Page 14, line 1, after the word "highway," insert "or within any park or reservation under the exclusive jurisdiction of the United States."

Mr. DENISON. Mr. Chairman, it has been called to the attention of the committee since the bill has been on the floor, that it made no provision for the protection of people traveling in motor busses carrying sight-seeing parties through the national parks. Of course, those parks are under the exclusive jurisdiction of the United States and, therefore, busses operating in those parks can not be regulated by State commissions. We have made no provision for them in the bill, and this amendment is offered in order to correct that oversight. It was suggested to me by the gentleman from Oklahoma [Mr. McKEOWN], and it merely requires that those operating these sight-seeing motor busses in the parks must get a charter permit, which will enable the Government to regulate them to the extent of seeing that those they carry are protected by insurance, that they have safe equipment and qualified operators.

Mr. CANNON. Mr. Chairman, I much regret that my colleagues, for whom I entertain the warmest regard, should feel that their cause is so frail and their chances of securing passage of the bill are so precarious that it is necessary to arbitrarily cut off debate and refuse to hear the other side of this question. They have spoken at length. No one speaking for the bill has been denied time, and Members have repeatedly been granted extensions of time. It is a poor bill which will not bear criticism. Surely we on this side are entitled to our day in court. It is particularly unprecedented that one Member should attack another personally and refuse to yield for a courteous rejoinder.

The gentleman from Kansas insists that I am mistaken in suggesting that the railroads had anything to do with drafting this legislation. How does he reconcile that statement with the statement of the chairman himself, the able gentleman from New York, now in charge of the bill?

Mr. DENISON. Mr. Chairman, I make the point of order that the gentleman is not discussing the amendment.

The CHAIRMAN. The gentleman will proceed in order.

Mr. CANNON. I am merely replying to the speech of my friend from Kansas questioning the accuracy of my statement that this bill was originally drawn by the parties in interest—the bus people, the railroads, and the trolley lines. In order to refresh the gentleman's memory let me cite him to page 5112 of the CONGRESSIONAL RECORD for March 12, on which the Chairman is recorded as saying:

The original bill, H. R. 7954, which I introduced at the beginning of the session, was drawn—and there is no question about it—by the interested parties. It was drawn by the bus people, after conferences between the bus people, the railroads, the trolley lines, and the commissions of the various States.

The statement is explicit and unequivocal. It leaves no room for doubt that this legislation has its inception not through a demand upon the part of the people who patronize the bus lines but upon the request and initiative of the transportation corporations, who were so familiar with what they wanted that they drafted their own bills.

Mr. NELSON of Maine. Will the gentleman yield?

Mr. CANNON. With pleasure.

Mr. NELSON of Maine. The gentleman does not mean to say that the chairman claimed the railroads had anything to do with this particular legislation?

Mr. CANNON. I refer the gentleman to the statement printed in the CONGRESSIONAL RECORD. It speaks for itself.

Mr. NELSON of Maine. The gentleman wants to be fair and honest?

Mr. CANNON. I am certain the gentleman will testify that he has always found me to be both.

Mr. NELSON of Maine. The chairman stated that the original bill was presented by the railroads, did he not?

Mr. CANNON. The statement is very clear. It is capable of but one interpretation.

Mr. NELSON of Maine. Has the gentleman any information of any kind to the effect that anybody interested in the railroads had anything to do with shaping this legislation?

Mr. CANNON. The gentleman knows very well——

Mr. NELSON of Maine. If the gentleman has such information, he ought to give it to the House.

Mr. CANNON. It is a matter of common knowledge that the transportation interests were represented in the hearings before the committee. That was perfectly legitimate. The bus people, the railroads, and the trolley interests have a right to present their case. I did not suppose there was any question about that. Their witnesses were under the direction of an able attorney who has represented transportation interests in Washington for many years.

Mr. NELSON of Maine. Who was that?

Mr. CANNON. I refer to the statement made by Mr. RANKIN on the floor here—and it was not challenged—that Mr. Thom, a well-known railroad attorney was in attendance at the hearings, and that whenever a witness for the bus lines would get in deep water he would turn around and ask Mr. Thom about it, and Mr. Thom would give the committee information. The transportation companies seem to have been adequately represented at all times from the drafting of the bill, through the committee hearings, and no doubt their representatives are now in the galleries closely following the progress of the bill.

But to get back to the merits of the bill itself—under powers similar to those with which it is proposed to endow the Interstate Commerce Commission, the Public Service Commission of Missouri has compelled bus lines in that State to arbitrarily raise their rates to practically twice the amount at which they could operate at a legitimate profit. In addition to that it has refused to permit bus lines applying for certificates to operate in competition with established lines and railroads. They have refused to admit established bus lines from other States. Why? Because of the interest of the public? No. To quote their own language because—

The necessity for passenger transportation between St. Louis and Kansas City is adequately served by the rail and motor carriers now operating between said cities.

Under that logic you can exclude chain stores, chain banks, and chain theaters from every town in the United States. In practically every community to-day the needs for the services offered by these chain industries are already adequately supplied. If you invoke the principle in agricultural legislation, the problem of farm relief would be speedily solved. Why is it not as logical to refuse to permit more stores in a town or more farmers in the grain and cotton and livestock business as long as present facilities are ample? Under such a policy surpluses would melt away and both agriculture and merchandising would be rehabilitated. And why not apply the remedy to the farmer and the merchant as well as to the railroads, the bus lines, and the trolley interests? Let us be consistent. If we propose to insure the transportation corporations a return on their investment, let us insure the farmer and the small business man a return on their investments. Or, if competition is the life of trade for the farmer and the merchant, let us apply it to the bus lines and the railroads and trolley lines, as well as to other industries.

Mr. Chairman, let us consider the ultimate effect of this legislation.

This is a bill to fix prices. It is a bill to raise bus fares. It is a bill to increase the cost of transportation. It is a bill to authorize dividends on watered stock. It is a bill to mulct the poor, unable to pay the exorbitant rates exacted by transportation lines, unhampered by the wholesome restraint of free competition.

It is a bill to establish transportation monopolies. It is a bill to stifle legitimate competition. It is a bill to surrender the national highways for purposes of interstate public carriage to a few favored corporations.

It is a bill to add to the cost of government. It is a bill to increase taxation. It is a bill to enlarge the amounts carried in the annual supply bills passed by Congress for the support of the Federal departments.

It is a bill to promote bureaucratic government. It is a bill to further centralize the control of gigantic business interests.

It is a bill to vest in appointive bureaus in Washington, far removed from the voice and vote of the people, far-reaching powers which will grow with the years.

It is a bill without an adequately redeeming feature to commend it.

Mr. PARKER. Mr. Chairman, I move that all debate on this section and all amendments thereto close in five minutes.

Mr. RANKIN. Not on the section. I have an amendment which I want to offer later, but I would like to be heard on the pending amendment. I have been trying to get recognized to offer an amendment that is very vital, and I think we ought to have time to discuss it. I do not object to shutting off debate on this amendment, although I would like to have five minutes to discuss it; but if the gentleman insists on shutting off de-

bate, I certainly do not want him to shut off debate on the amendment which I intend to offer.

Mr. RAYBURN. I will say to the gentleman that the gentleman from California [Mr. LEA] also has an amendment to offer.

Mr. PARKER. I had in mind the amendment to be offered by the gentleman from California.

Mr. RANKIN. Withhold that motion until we dispose of the amendment. I have waited for members of the committee to offer their amendments, although I was on my feet trying to get recognition.

Mr. PARKER. I wish to say to the gentleman that we hope to finish the consideration of this bill to-night.

Mr. RANKIN. I understand that.

Mr. PARKER. And I want to make the further statement it is my understanding that if we finish the bill to-night a motion will be made to adjourn over until Monday; but if we do not finish it to-night, we will have to come back here to-morrow.

Mr. RANKIN. I understand that; but we are interested in this legislation. We are not here to kill time. I had the roll called in order that Members might come here and hear the debate. Here is, perhaps, the most vital portion of the bill, and I have an amendment which I have been waiting to offer.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

Mr. RANKIN. I hope the gentleman will not confine us to 10 minutes because I have an amendment here that involves a very vital question, and we who are opposed to the bill ought to have ample time.

The regular order was demanded.

The CHAIRMAN. Is there objection to the request of the gentleman from New York that debate on this section and all amendments thereto close in 10 minutes?

Mr. RANKIN. Reserving the right to object, Mr. Chairman——

The CHAIRMAN. The regular order has been demanded.

Mr. RANKIN. I want to know how the time is to be divided.

Mr. PARKER. I would suggest five minutes to the gentleman from Mississippi and five minutes to the gentleman from California [Mr. LEA].

The CHAIRMAN. Is there objection?

Mr. RANKIN. I object for the time being.

Mr. PARKER. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 10 minutes.

Mr. RANKIN. Mr. Chairman, I offer an amendment to the motion that all debate close in 25 minutes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi to the motion of the gentleman from New York.

The amendment to the motion was rejected.

The CHAIRMAN. The question is on the motion of the gentleman from New York that debate on this section and all amendments thereto close in 10 minutes.

The motion was agreed to.

Mr. LEA of California. Mr. Chairman, I have an amendment.

Mr. BURTNESS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURTNESS. Is there an amendment pending?

The CHAIRMAN. The parliamentary situation is that there is an amendment offered by the gentleman from Illinois [Mr. DENISON] now pending. Is the amendment of the gentleman from California [Mr. LEA] an amendment to the amendment which is now pending?

Mr. LEA of California. It is not, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DENISON].

The question was taken; and on a division (demanded by Mr. RANKIN) there were—ayes 79, noes 13.

So the amendment was agreed to.

Mr. LEA of California. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 14, line 21, after the word "thereafter," insert "reasonable limitations in respect to service while operating over any regular route of a common carrier or motor vehicle, and."

Mr. LEA of California. Mr. Chairman, this amendment would give the commission power to make reasonable limitations on charter carriers while operating on regular routes.

The purpose of the amendment is to avoid conflict in these two classes of operations. The House is well aware that the bill provides for two classes of operators subject to regulations. The first is the common or regular carriers whose operations are on fixed routes. The other, known as charter carriers and independent carriers, and they have the privilege of going anywhere.

A difficult problem presented itself to the committee to draw the line so as to avoid conflict between these two classes of carriers. The bill limits the number of regular carriers that go on the road, but there is no limitation on the charter carriers.

The regular carriers are confined to fixed routes. The charter carriers can go anywhere in the United States. The regular carriers are required to give regular service, and they may be required to give additional service, and they may be compelled to extend their lines. There is no such authority given the commission in reference to charter carriers. This amendment if adopted will tend to harmonize the operations of regular carriers and charter carriers.

Mr. PARKER. Mr. Chairman, so far as the committee is concerned, they will accept the amendment.

Mr. McSWAIN. Mr. Chairman, I want to ask the gentleman when he thought of this amendment?

Mr. LEA of California. About a week ago.

Mr. McSWAIN. Does not the gentleman think if we stayed here two or three days longer the committee might think of other amendments and make the bill more acceptable so that more of us could vote for it? I want to say that I favor this amendment myself. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was agreed to.

Mr. RANKIN. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 14, line 11, after the word "Commission," strike out the period and insert a semicolon and add the following: "but carriers of persons operating motor busses hired or leased for an occasional trip shall not be required to obtain a permit."

Mr. RANKIN. Mr. Chairman, I want the attention of every Member whose district touches a State line. Under the provisions of this bill if anyone in your district loads a truck or bus with as many as half a dozen or more of his neighbors and takes them across the State line to a fair, to a show, or to a ball game, and charges them 1 cent—if he charges even enough to pay for his gasoline, and he is without a permit from the Interstate Commerce Commission, he is subject to indictment in a Federal court. Do you understand that? Do you realize how that will paralyze traffic in those border communities?

If he makes a single trip, under this bill and the amendment you have just adopted that will be the result. You deny the people of the States the right to enter a national park or a military park without obtaining such a permit from Washington.

Any man in the District of Columbia, in Maryland, or in another State, who loads his truck or his school bus with his neighbors or with his neighbors' children and takes them into the park of Gettysburg without first getting a permit from the Interstate Commerce Commission is subject to indictment in the Federal court if he even accepts pay to the extent of his actual expenses. I am telling you what this bill means. No such drastic piece of legislation has ever been offered on this floor since I have been in the House.

Let me say to the gentleman from Oklahoma before me [Mr. GARBER] that if a man in one of the border counties in Oklahoma undertakes to go across a State line and take a load of people to a cattle show, to a fair, or for any other purpose, he must first get a permit from Washington, because if he goes without it he is subject to indictment in the Federal court—unless he hauls his passengers free of charge.

Mr. GARBER of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield for a question.

Mr. GARBER of Oklahoma. But you have got to couple your proposition with the condition that it is for compensation. A man who uses the public highway for his own private gain should be regulated.

Mr. RANKIN. If he charges even for the price of his gasoline he is subject to indictment in the Federal court under the provisions of this bill.

I would like to have the attention of the gentleman from Indiana [Mr. JOHNSON]. If the citizens of Vermilion County, in the gentleman's district, or Vigo County, have a county fair and a man across the State line, in an adjoining State, loads up a bus or a truck full of his neighbors or his neighbors' children and brings them across the State line and charges the price of his gasoline, he is subject to indictment in the Federal court. Do you think the people of Indiana would approve that?

Let me have the attention of the gentleman from North Dakota [Mr. BURTNESS]. Take Cavalier County, or Walsh

County, or any of those counties along the State line in North Dakota. If a man there hauls as many as six of his neighbors under these same conditions to another State and even charges 1 cent for so doing, he is subject to indictment in the Federal court.

I ask you to adopt my amendment to take that provision out of the bill, so that you may not paralyze or penalize the people living adjacent to State lines by the passage of this measure, the purpose of which is to permit railroads and bus lines to merge so as to monopolize the traffic and kill off legitimate competition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. RANKIN) there were—ayes 36, noes 74.

Mr. RANKIN. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Mississippi demands tellers. As many as favor taking the vote by tellers will rise and stand until counted. [After counting.] Twenty-one Members have risen, a sufficient number, and tellers are ordered.

Mr. PARKER and Mr. RANKIN were appointed tellers.

The committee again divided, and the tellers reported ayes 43, noes 73.

So the amendment was rejected.

The Clerk read as follows:

SUSPENSION, CHANGE, REVOCATION, AND TRANSFER OF CERTIFICATES AND PERMITS

SEC. 8. (a) Certificates of public convenience and necessity, and charter carrier permits, shall be effective from the date specified therein, and shall remain in effect until terminated as herein provided. Any such certificate or permit may be suspended, changed, or revoked, in whole or in part, for failure to comply with any provision of this act, or with any lawful order, rule, or regulation of the commission promulgated thereunder, or with any term or condition of the certificate or permit, or whenever the public interest shall so require.

(b) Except as provided in section 9, any such certificate or permit shall be transferable.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. Is any provision made in the bill for a hearing before permits are revoked? It is provided in the bill:

Any such certificate or permit may be suspended, changed, or revoked in whole or in part for failure to comply with any provisions of this act—

And so forth.

My inquiry is whether you are going to give any opportunity to the operator of the bus line to be heard before the permit is revoked?

Mr. PARKER. The gentleman, on page 9, subdivision (f), will find an answer to his question. A hearing is there provided for.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment.

Mr. PARKER. Mr. Chairman, I move that all debate upon this section and all amendments thereto do now close.

The motion was agreed to.

The Clerk read as follows:

CONSOLIDATION, MERGER, AND ACQUISITION OF CONTROL

SEC. 9. (a) Any corporate consolidation or merger of two or more corporations at least one of which is a common carrier by motor vehicle, and any acquisition of control of any common carrier by motor vehicle, shall be invalid and unlawful unless approved and authorized as hereinafter provided. For the purposes of this section, control of any common carrier by motor vehicle shall be deemed to be acquired if any person or corporation acquires (except pursuant to court order or by operation of law), directly or indirectly, through purchase, exchange, lease, gift, or corporate distribution, any right, title, or interest in (1) any certificate of public convenience and necessity of such carrier, or (2) all or substantially all the properties of such carrier of use in its operations under any such certificate, or (3) voting stock or other voting evidences of interest in such carrier in an amount sufficient to obtain control of such carrier.

(b) Any person or corporation may apply to the commission for the approval and authorization of any such proposed consolidation, merger, or acquisition. The application shall set out the terms and conditions of the proposed consolidation, merger, or acquisition and such other information as the commission may require. If it is decided, in accordance with the procedure provided in section 3, that the proposed consolidation, merger, or acquisition will be in the public interest, an order shall be issued (1) approving such consolidation, merger, or acquisition upon the terms and conditions set out in the application, or with such modification thereof and upon such other terms and conditions as may be prescribed in the public interest, and (2) granting authority to any corporation or person involved in the consolidation, merger, or acquisition necessary to carry into effect the consolidation, merger, or acquisition as approved. Any such corporation or person, and any corporation or person to whom a certificate of public convenience and necessity is issued or transferred under this act, shall be relieved from the operation of the antitrust laws, as designated in section 1 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, and from all other restraints and prohibitions of Federal or State law—in so far as may be necessary to enable such corporation or person to carry into effect the consolidation, merger, or acquisition as approved and to conduct the operations authorized by the certificate.

Mr. HOCH. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment by Mr. HOCH: Page 17, after line 11, insert:

"(c) No consolidation, merger, or acquisition of control shall be approved under this section if more than one of the corporations involved is engaged directly or indirectly in the transportation of persons by railroad."

Mr. HOCH. Mr. Chairman, the only purpose of that amendment is to make it clear that there is not contemplated under this section a consolidation of railroads. Several Members have expressed the fear to members of the committee that under the strict language of the section it might be possible for several railroads by combining with a motor carrier to consolidate and avoid the general consolidation provisions of the transportation act. The amendment simply provides that no consolidation or merger or acquisition of control shall be approved under this section where more than one of the corporations involved is concerned directly or indirectly in railroad transportation.

Mr. RANKIN. But it does allow the railroads to merge with bus lines?

Mr. HOCH. The amendment does not touch that question. It does not change that provision.

Mr. HUDDLESTON. Will the gentleman please repeat that?

Mr. HOCH. It does not change the provision of the section with reference to the merger of one railroad with a bus line or with more than one bus line.

Mr. JONES of Texas. What is the reason for having that specific repeal in there? Does not the affirmative provision before it carry that? The first part of the paragraph authorizes these consolidations, so that would indirectly have the effect of repealing without affirmatively doing it.

Mr. HOCH. My amendment does not bear any relation to the gentleman's inquiry.

Mr. JONES of Texas. I thought the gentleman was discussing that point.

Mr. HOCH. No.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The amendment was agreed to.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the section. Possibly some gentlemen have perfecting amendments, which would take priority of my amendment.

The CHAIRMAN. Has anyone a perfecting amendment he wishes to offer?

Mr. O'CONNOR of Oklahoma. Mr. Chairman, I have a perfecting amendment which I desire to offer.

Mr. GLOVER. Mr. Chairman, I would like to offer an amendment, too.

Mr. O'CONNOR of Oklahoma. Mine is a perfecting amendment.

The CHAIRMAN. The gentleman from Oklahoma offers a perfecting amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR of Oklahoma: Page 17, after the Hoch amendment just adopted, insert a new paragraph, as follows:

"The bonds at par of the corporation which has become the owner of the consolidated property, together with the outstanding capital stock at par of this corporation, shall not exceed the value of the consolidated companies as determined by the commission. The value of the properties sought to be consolidated shall be ascertained by the commission under section 9 of the interstate commerce act, and it shall be the duty of the commission to proceed immediately to the ascertainment of such value of the properties involved in the proposed consolidation on the filing of the application for such consolidation."

Mr. PARKER. Mr. Chairman, I make the point of order that it is not germane. There is nothing in this section that deals with stocks or bonds.

Mr. O'CONNOR of Oklahoma. It deals with certificates. It establishes the terms upon which they shall issue a certificate. I do not think the amendment is subject to a point of order.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard on his point of order?

Mr. O'CONNOR of Oklahoma. Yes. I desired to be heard in favor of my amendment.

Mr. PARKER. I reserve it. Then I shall renew it.

Mr. O'CONNOR of Oklahoma. Mr. Chairman and members of the committee, I am at a great disadvantage to attempt any proper presentation of the important question covered by my amendment in the short space of five minutes. The other day the consideration of this bill was interrupted for 2 hours and 40 minutes by members who gathered at the wailing wall to make campaign speeches, and now there is only five minutes to debate this important matter.

I do not have time to recite the long history of what happened to many of our railroads due to the issuance of watered stock and the diversion of funds to other lines of business, but every year, for a period of 12 years, the Interstate Commerce Commission in their annual reports urged upon Congress the necessity of legislative action giving the commission control of stock issues. Less than 10 years ago Congress amended that act, and the amendment which I am offering here to-day places into the bus bill the identical provision which is now in the interstate commerce act relative to railroads.

There are two kinds of promoters—the promoter who is interested in developing and operating some line of business; he is interested in financing only as that is necessary to the proper carrying on and carrying out of his purpose; then there is the other kind of promoter, who does not care anything about the development or operation or success of his enterprise but cares everything about the opportunity and possibility of making money out of the financing of it. His main business is to issue and sell watered stock.

This amendment, if adopted, will not keep any legitimate concern in the bus business from securing a permit. But it will keep out of this new and fertile field this army of bright boys whose business it is to unload securities of little or no value on the investing public.

There are few fields in which Congress has a constitutional power to prevent the defrauding of the investing public and this is one of the fields open to us and we should afford this protection by adopting this amendment.

In all the talk that is being had about mergers in the various fields the most vicious phase of it all is the thing that is discussed least or not at all, and that is the opportunity which these mergers are affording for overcapitalization and the fleecing of the investing public by the sale of this watered stock.

If there is any argument against this amendment on the grounds that it will interfere with the legitimate carrier, with the investing public, or with the general public, I would like to hear it.

This bus business is in its infancy. It is a new field. No one can tell how large it will become in our rapidly expanding and developing country. But we all will admit that it affords a fertile field for fake stock promotion.

Mr. DENISON. Stocks and bonds issued by the companies can not be used to affect the rates. This bill does not take that into consideration.

Mr. O'CONNOR of Oklahoma. The point I am making is that the purpose of the amendment is that when it comes to the issuance of a permit, the commission will be required to take that into consideration so that the permit can not be issued and used as a vehicle for selling watered stock, but as a permit to engage in the transportation business.

If this amendment is not placed in this bill some of these bus companies will have enough water in their stock that if they wanted to use it for navigation they could operate boats instead of busses! [Laughter.]

The American people have become stock-minded in making their investments. The great industrial development of our country is being carried on by and through corporations.

This is too big a country to be served by little men and little corporations. And every time that the American investor is sold watered or fake stock, his confidence in all stock investments is shaken. And the great legitimate industrial enterprises of the country are to that extent deprived of this source of capital and the public are scared away from the opportunity of profitable stock investments.

You pass this bill without adopting my amendment and then the watered stock will be sold and the investing public will be defrauded, and when the commission refuses to approve a rate that is satisfactory to a concern who has issued this watered stock, they will go into court and the courts will do what has already been done again and again. They will force the general or the traveling public to pay a fare which will yield a return on stock which never should have been issued, and for which there is no physicial or other assets to justify its issuance.

Unless this bill will not only give us adequate bus service under proper regulations and guaranteed responsibility of the carriers, but also transportation at lower rates than now furnished by the railroads, I see no purpose whatever in cluttering up our highways with these big busses, wearing out the pavements built and paid for by the people, and crowding our Fords into the ditches. And in the long run the traveling public will not have lower rates on the busses if these mergers and consolidations are not safeguarded by limiting the capitalization and issue securities of the various companies that are being consolidated or merged. It is childish to expect that history will not repeat itself. The same thing will happen again in the bus business that has already happened in the railroad business.

Congress closed the door on the railroads after the horse was out!

This amendment is asking you to close the door now, by making this amendment a part of the bus act when the act is adopted, instead of waiting 30 years to amend it as was done in the case of the interstate commerce act governing the railroads. [Applause.]

Mr. PARKER. Mr. Chairman, I renew my point of order.

The CHAIRMAN. The gentleman from New York makes the point of order that this amendment is not germane.

Mr. RAMSEYER. Mr. Chairman, are we going to have the reason stated for the point of order?

Mr. PARKER. I will ask the gentleman is there anything in this section that relates to stocks and bonds?

Mr. RAMSEYER. The bill is full of stocks and bonds. The bill effects consolidations.

Mr. O'CONNOR of Oklahoma. If you do not take the water out of this bill, there will be some of these companies that will run boats instead of busses. [Laughter.]

Mr. RAMSEYER. Mr. Chairman, I am not discussing the merits of the amendment now. Where did the gentleman get this amendment?

Mr. O'CONNOR of Oklahoma. It is taken verbatim from the interstate commerce act. It appears in the compilation at page 20, section (b). I copied it from there as I thought it would have the dignity and prestige of a former congressional act.

Mr. RAMSEYER. In what subhead does it appear? Does it appear in the subhead on consolidation of railroads?

Mr. O'CONNOR of Oklahoma. It is part of section 5.

Mr. PARKER. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from New York withdraws the point of order.

Mr. RAMSEYER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Iowa [Mr. RAMSEYER] care to discuss the point of order?

Mr. RAMSEYER. No. The point of order has been disposed of. It has been withdrawn, I understand.

The CHAIRMAN. The gentleman from Iowa [Mr. RAMSEYER] is recognized to discuss the amendment.

Mr. RAMSEYER. I would like to get a little information. It just appealed to me as the amendment was read and discussed, that there was some merit in the amendment, and I would like to know what objection the committee has to the amendment. What objection could there be, when there is consolidation of these properties, to require, in getting the value of those properties, not to exceed the par value of the capital stock and bonds of the individual organizations that are consolidated?

A little further on in the bill there is something about determining the justness of rates. That is on page 20, paragraph (e). It is stated there what elements shall not be taken into account in fixing rates. Certainly the commission that is going to fix rates for these bus lines is going to take into consideration some elements, and the amendment offered by the gentleman from Oklahoma points out a course of getting at the valuation of these consolidated properties that may be of aid in fixing rates and fares provided for in the bill. It is stated, of course, that they shall be just and reasonable, and the elements that are to be taken into account, of course, are well known to the Interstate Commerce Commission and students who follow the proceedings of the Interstate Commerce Commission.

Mr. BURTNESS. Will the gentleman yield?

Mr. RAMSEYER. Gladly; I am seeking information.

Mr. BURTNESS. There would be no objection to the amendoffered by the gentleman from Oklahoma if this bill gave to the commission or any other agency power to control the issuance of stock and securities of the carriers in the same way as the Interstate Commerce Commission controls the issuance of securities of the railroads. If that were done, if there were any

such general provision in the act, then of course the amendment offered by the gentleman from Oklahoma [Mr. O'CONNOR], taken from the transportation act, would be germane and would be a very fine and a very proper safeguard. But, as this bill is drawn, there is no power given to the commission to control the financing of the carriers or the issuance of securities of any sort.

Mr. RAMSEYER. Who controls that?

Mr. BURTNESS. No one controls the issuance of securities, and the amount of the securities that are issued by any carrier can not, in any instance, under the language of this bill, become any factor in determining the rates. Neither is there any occasion or power to determine the valuation of properties except in such cases as complaints are filed as to the rates or fares charged.

Mr. RAMSEYER. Does not the gentleman think that if we get at the values as provided for here, it will aid the commission in fixing the rates?

Mr. BURTNESS. No; not at all.

Mr. RAMSEYER. Why not?

Mr. BURTNESS. Because the test in passing upon rates is the question of what are just and reasonable charges, which words have been construed by the Interstate Commerce Commission time and time again, when a similar mandate was in the law, as to rail rates. Of course, such language was not included in the transportation act of 1920.

Mr. RAMSEYER. Suppose a corporation has a million dollars of $5,000,000 invested. Certainly that is going to be taken into consideration in fixing the rates.

Mr. BURTNESS. The value of the property that is invested and used for carrier purposes will, of course, be taken into consideration.

Mr. RAMSEYER. There is nothing here that provides for that.

Mr. BURTNESS. That is contemplated in determining the question of whether rates are just and reasonable, under the holdings that have been made by the commission from time to time, but, whether that carrier has a bond issue outstanding upon its property which may exceed or be less than the value of his property, will not in any way affect the rates that will be determined by the commission under this question, or that may be passed upon by the commission under this bill.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Without objection, the gentleman from Iowa is recognized for three additional minutes.

There was no objection.

Mr. MOUSER. Will the gentleman yield?

Mr. RAMSEYER. I yield.

Mr. MOUSER. Is it not a fact that when rates are considered, after a valuation of the property has been fixed, necessarily accountants must go through the books of the company to determine what is the necessary rate? Therefore, when it comes to issuing this stock and how much shall be permitted to be issued, in determining that feature alone they must know the financial status and condition of the company.

I think the gentleman's amendment is well taken.

Mr. LAGUARDIA. Will the gentleman yield on that point?

Mr. RAMSEYER. Yes.

Mr. LAGUARDIA. Is it not a fact that after the Interstate Commerce Commission does fix a rate and the rate does not yield a certain return to the stockholders then the stockholders run to the courts on the ground that the rate is confiscatory? We have that every day.

Mr. O'CONNOR of Oklahoma. And is not this true, that if you do not prevent the issue of watered stock now you can not correct the harm after the stock is in the hands of investors?

Mr. RAMSEYER. It would not hurt to have an honest ascertainment of the stocks and bonds that have been actually and in good faith issued on the property of the consolidated corporation.

Mr. O'CONNOR of Oklahoma. Let us just play we are the Interstate Commerce Commission. Suppose an outfit comes in and asks for a permit, and they show that their capitalization is ten times what their assets are? Might it not occur to us that they do not care about carrying people, but what they want to do is to sell them this watered stock?

Mr. RAMSEYER. I think this amendment is worthy of consideration, and I hope the members of the committee who desire to vote against the amendment will give the Members of the House some good and sound reason for opposing the amendment.

Mr. O'CONNOR of Oklahoma. I could win the committee if I had the time, but you can not make love in five minutes.

Mr. RAYBURN. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection the Clerk will again report the amendment.

There was no objection.

The Clerk again reported the amendment.

Mr. DENISON. Mr. Chairman and gentlemen of the committee, I think it was in 1913 that Congress passed the act providing for the valuation of railroads. Under that act Congress has been spending millions of dollars every year in the process of valuing the railroads. The legislation we are now considering does not attempt to go as far in the regulation of motor busses as does the interstate commerce act in the regulation of railroads. The subject matters of the two laws are in no way relevant. We are going as far as we thought it necessary at this time, but now this amendment brings into the bill an entirely new subject, and would launch the Interstate Commerce Commission into the work of valuing the bus lines of the country. I do not think that is necessary at this time. The matter is not of sufficient importance to justify entering upon the policy of making a valuation of all the property of all the bus companies of the country. Neither Congress nor the States have done anything with reference to the regulation of the rates of bus companies as yet, so I do not think this amendment has any pertinent place in the bill. This is not supposed to be a blue sky bill, anyway. If there should be any attempt to water their stock, certainly the securities laws of the States would regulate that matter. I do not think we should try to stretch this bill into a bill to provide for the valuation of the property of busses, or into a blue sky bill.

Mr. PARKER. Mr. Chairman, I move that all debate on this amendment do now close.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. O'CONNOR].

The question was taken; and on a division (demanded by Mr. O'CONNOR of Oklahoma) there were—ayes 76, noes 83.

Mr. O'CONNOR of Oklahoma. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. PARKER and Mr. O'CONNOR of Oklahoma.

The committee again divided, and the tellers reported that there were—ayes 65, noes 86.

So the amendment was rejected.

Mr. PARKER. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 20 minutes.

The motion was agreed to.

Mr. GLOVER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GLOVER: On page 17, in line 2, after the word "shall," insert the word "not," and after the figures "1914" strike out the comma, insert a period, and strike out the balance of line 6 and all of lines 7, 8, 9, 10, and 11.

Mr. GLOVER. Mr. Chairman, to my mind this is one of the most iniquitous sections of this whole bill, and I believe there is more in it that may be used to the detriment of the people in this section than any other section.

This bill as it is written provides that the antitrust laws of the United States and of the States that are affected by this measure are to be repealed, and refers to the act specifically. The act that it refers to and seeks to repeal is this:

Be it enacted, etc., That "antitrust laws," as used herein, includes the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

You claim that this bill is in the interest of the public and not in the interest of the railroads and not in the interest of the bus carriers; that it is for the public convenience and the public interest. I want any of you on the committee or anyone else in this House to tell me where and when the public has demanded that you repeal the antitrust laws of the United States, specifically referred to here, which prevents unlawful combines, mergers, and monopolies.

I ask you why it becomes necessary in this bill to repeal all of the antitrust laws which affect or might affect mergers and monopolies? Do you know what you are doing in this bill? You are absolutely saying to the bus lines and to the railroads that merge with them—and this provides for the merger of them—you are saying to them that they can go out and do under this bill what they are not permitted to do now as railroad companies or as bus companies. You are absolutely saying

in this bill that they can go out and form monopolies and mergers, and that all of these laws are repealed and do not affect them.

Here is the inquity of this whole bill. I said to you the other day in a speech on the floor of this House that many of you did not hear, but should have heard, that in this section was the poison of this bill. If you will put the railroads and bus lines under the control of the laws that exist now—which you have enacted and said were good for everybody else—if you will put these people under those laws you will find they do not want this bill as badly as they have made it appear up to now.

This section provides for the merger of railroads and bus lines, and I want to say to you that those who are to enter into these mergers are not greeneyed. They know what they are going to come in contact with when they undertake to go out and form the trusts and monopolies that they are going to undertake to form under this bill, and I say to you that they want the present laws out of the way. They do not want to come under the provisions of the present law, that every other corporation and every other individual has to live under.

I would like to know who it is that can go back to his constituency and tell them that we passed a bill in the interests of the public and that in order to protect the public we repealed all the antitrust laws of the United States Government. Can you afford to go back home and do that? You ought not to vote for this section in the bill as it is written, because it is not right to the public, it is not right to anybody, it is giving a special privilege to those who want to form a monopoly and want to go out and do something that they can not now do under existing law.

I would like to know who it was, Mr. Chairman, that wrote this section in the bill. Is the committee the author of this section?

Mr. PARKER. Absolutely.

Mr. GLOVER. The committee, then, wants to relieve them from any laws that we have now, and they are for monopolies; is that what the gentleman means?

Mr. PARKER. As far as necessary to carry out an order of the Interstate Commerce Commission when the commission finds that the subject of the order would be in the public interest; yes.

Mr. GLOVER. As far as necessary. Well, it will be necessary for them to go just as far as the limits will permit, the heavens above and the lower place below. There is no limit to where they will go if you repeal the acts that affect them now.

What is the necessity for this section? How is the public going to be protected?

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

The question is on the amendment offered by the gentleman from Arkansas [Mr. GLOVER].

The question was taken; and on a division (demanded by Mr. GLOVER) there were—ayes 36, noes 87.

So the amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 17, line 11, add a new section, as follows:

"SEC. 10. The provisions of sections 62, 63, 64, 65, and 66 of title 45, United States Code, shall be applicable to a common carrier by motor vehicle."

Mr. PARKER. Mr. Chairman, I make a point of order on the amendment. I will reserve it.

Mr. LAGUARDIA. No; the gentleman had better make it, Mr. Chairman. I am offering this amendment in good faith and if it is subject to a point of order we might as well know it.

Mr. PARKER. My point of order, Mr. Chairman, is that the amendment is not germane to the subject matter. This is the merger section of the bill and the amendment has to do with hours of labor.

Mr. LAGUARDIA. Yes; that is true.

My only basis for the amendment is found on page 4, paragraph 2, which gives the commission the power to fix the maximum hours of service of employees. I offer my amendment as a new section. Now, somewhere in the bill a section of this kind must be germane. It has no relation to the section which has just been read. I will concede that, but I am offering it as a new section, and as such it relates to one of the subject matters in the bill itself. As I have just stated, the bill, in paragraph 2 of section 2, gives authority to the commission to fix maximum hours of labor and I simply make applicable to common carriers by motor vehicle, as described in this bill, the provisions of law as to labor of employees on railroads.

Mr. PARKER. This section deals with mergers.

Mr. LAGUARDIA. It is not germane to the section, but it is a new section and germane to one of the subject matters and purposes of the bill.

The CHAIRMAN. The Chair is ready to rule.

The Chair is of the opinion that the gentleman's amendment would have been germane to subdivision 2 of section 2, but the Chair is of the opinion that the amendment is not germane at the place offered and, therefore, sustains the point of order.

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent that my amendment may now be considered as an amendment to section 2, page 4, after line 19.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to subdivision 2 of section 2, on page 4, for the purpose of offering an amendment. Is there objection?

Mr. PARKER. Mr. Chairman, I object.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out section 9.

The CHAIRMAN. The gentleman from Alabama offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDDLESTON: Beginning on page 15, line 15, and ending on page 17, line 11, strike out all of section 9.

Mr. HUDDLESTON. Mr. Chairman, section 9 of this bill, which I have proposed to strike out, is the section which authorized consolidations and mergers between bus lines and between bus and railroad lines.

My views upon this section, as appeared in the bill as reported by the committee, were stated in my minority report. I can not do better than to quote the part of the minority report referring to this section:

By section 9, consolidations, etc., between bus lines and between bus and rail lines are authorized. Such consolidations are to be permitted without limit when found by the commission to be "in the public interest." No other consideration is to be entertained. This section is subject to every objection which can be urged against the consolidation of railroads, and in addition to the objections (a) that there is no safeguard for the protection of short lines and feeders; (b) that the consolidations are not required to be in pursuance of any general plan or system of grouping; (c) that the railroad consolidation bill does not authorize the acquisition of competing bus lines; (d) that a bus company may acquire competing rail lines without number; and (e) that no protection for minority interests in either rail or bus lines is provided.

This section overrides the laws of the States in which the bus companies were chartered. Where they interfere with the acquisition of other carriers, competitive or otherwise, it strikes down all prohibitions and limitations imposed by the State upon its corporate creature as the condition of its creation. It makes of the corporate creature of a State a power superior to the State which created it and which may laugh at the ordinances of its creator. It clothes the corporate creature of the State with Federal powers and probably relieves these corporations of their responsibilities to the State without imposing upon them any corresponding responsibility to the Federal Government.

The bus business is yet in its infancy. With the completion of links under construction, a system of many through national highways is rapidly being developed. When the contemplated highways are completed, we may look for a vast expansion of bus lines, the extension of existing lines, and the creation of many new routes of motor transport. It would seem quite premature, in the present state of development of the bus business, to provide for unlimited mergers and consolidations.

It is significant that in this, the first legislation by which Congress takes cognizance of the bus business, we should provide for wholesale consolidations. By this bill, which for the first time provides for the certificate, a device by which a monopoly is to be created, we also provide for consolidations, a means by which the monopolistic franchise or privilege may be realized upon. By facilitating the transfer of the monopolistic privilege we encourage extensions of the monopoly and the consolidation of the separate monopolies into a few hands. It is safe to predict that, within a dozen years, practically all of the important bus lines will be owned by a few big companies, and that it is but a matter of time before the rail carrier interests will have absorbed practically the whole system of bus transportation. Every argument against monopoly is denied by this bill. It violates every principle in opposition to the aggregation of vast interests vital to the life of a people. It invokes every danger from the social, economic, and political power of inordinate accumulations of wealth.

The two prime purposes of the railroads and the bus operators in pushing for this bill was first to get a monopolistic franchise or privilege through the device of the certificate of convenience and necessity provided for by section 4; and second, to be en-

abled to realize on that monopoly by selling it to somebody else, as provided for by section 9.

Section 9 is not essential to the regulation of motor carriers. It has no necessary nor even proper place in this bill. Without it the bill would fully cover the subject of regulating the bus industry. The only purpose to be served is to facilitate mergers and consolidations in which the public has very slight interest, but in which only speculators, stock jobbers, and exploiters stand to be profited.

The question was asked during general debate what percentage of the bus lines the railroads now own. I could not answer it for nobody knows. We do know that. They own a large and rapidly increasing percentage of the lines. In many sections of the country the railroads have already monopolized the bus business. When asked what percentage of the bus lines were owned by the railroads, I said:

Nobody knows; but the percentage is very large. Some are owned openly, but many of them are owned secretly. If the gentleman had asked how many the railroads will own 20 years from to-day I would have replied: Every one worth owning will be owned by the railroads.

It is highly significant that in this bill by which, for the first time, Congress deals with the bus business, we provide for the certificate which will give a special monopolistic right, and proceed with another section of the bill to provide a means by which the franchise may be realized upon. We create a special privilege, then provide a means by which the privilege may be passed on to others. The railroads are rapidly absorbing the bus business of the country. Many more of the interstate lines are trying to sell out to the railroads, but the latter say, "You have nothing to sell." They come and get this bill, then they have a franchise to sell. Section 9 of the bill provides a means whereby they can pass that franchise to the railroads. It provides for consolidations without limit. It furnishes a means whereby the railroads may acquire the competing bus lines. It seems certain that within a few years all of the important bus lines will be owned by the rail carriers, or be affiliated with them, so that there will be no real competition.

The obvious purpose of insistence on this section is to enable the rail carriers to still further absorb the bus business of the country. It is certain that if we pass this bill with this provision in it, within 10 to 20 years there will not be an independent bus line in the United States.

I can not discuss this subject adequately in the limited time I have. I shall not attempt more than to call it to their attention, so that those who have not studied the bill may know that what you are driving for and what you are voting for is to enable the railroads to monopolize both rail and motor transportation. Some may think that is a good thing to do. All right; then their position is in favor of this section. If they do not favor that, then their votes must be in favor of striking out this section.

But that is not all the vice there is in this section. It overrides every State law intended to prevent consolidations of competing carriers. It authorizes carrier corporations to consolidate, when the constitutions and laws of the States which created the corporations forbid such consolidations. Shall we assassinate the right of the States to limit the powers of the corporations which are their own creatures? Shall we make of the corporation a creature superior to the authority that brought it into the world and gave it existence? I say no. [Applause.]

Under leave to extend my remarks I include the minority report on the railroad consolidation bill. It is as fully applicable to bus lines as to rail lines.

VIEWS OF THE MINORITY

The undersigned members of the Committee on Interstate and Foreign Commerce dissent from the views of the majority in reporting H. R. 12620. Among the many reasons for our dissent are the following:

BILL TOO AMBITIOUS IN ITS SCOPE

(1) The provisions of the transportation act of 1920 which relate to unification of carriers were hastily and ill considered and are admittedly inadequate. Paragraph 2 of section 5, which authorizes unifications which do not amount to consolidations or mergers, is too elastic in certain particulars and too rigid in others. Paragraphs 4, 5, and 6 have been found unworkable, for the reason that they require the Interstate Commerce Commission to authorize unifications only after the adoption of a complete plan for the consolidation of all railways into a limited number of systems. This the commission has found it impracticable to do, as it was too ambitious a plan and one that no man or commission had the wisdom or the foresight to be able to put into effect. The minority was willing and desirable of joining in the correction of these defects in the existing law. A recommendation that this be done has been made by the Interstate Commerce Commission in its report to Congress for 1925, 1926, and 1927 in the following language:

"That paragraphs (2) to (6), inclusive, of section 5 of the interstate commerce act be amended (a) by omitting therefrom the existing requirement that we adopt and publish a complete plan of consolidation; (b) by making unlawful any consolidation or acquisition of the control of one carrier by another in any manner whatsoever, except without specific approval and authorization; (c) by giving us broad powers upon application and after hearing to approve or disapprove such consolidations, acquisitions of control, mergers, or unifications in any appropriate manner; (d) by giving us specific authority to disapprove a consolidation or acquisition upon the ground that it does not include a carrier or all or any part of its property which ought to be included in the public interest and which it is possible to include upon reasonable terms; (e) by modifying subparagraph (b) of paragraph (6) so that the value of the properties proposed to be consolidated can be more expeditiously determined; and (f) by providing that in the hearing and determination of applications under section 5 the results of our investigation in the proceeding in our docket known as No. 12964, Consolidation of Railroads, may be utilized in so far as deemed by us advisable."

This provision the majority was unwilling to adopt, but under the guise of meeting this recommendation the committee has approved this bill, which covers a much broader field than the recommendation, and, in our opinion, deals with aspects of unification never considered by the commission, or at least not recommended by them, and which are altogether unnecessary for the correction of such defects in the existing law as the commission has pointed out. Therefore, one of the fundamental faults of the bill is that it is too ambitious in its scope. Had the committee confined its efforts to meeting the recommendation of the Interstate Commerce Commission, even that would have required a great capacity to deal with a highly complex subject. They have sought by the bill to cover, to its remotest extremity, the entire field of railroad unification. They have consciously omitted no detail which might now or hereafter, in our opinion, require legislation. They have sought to enact a complete code of laws and to mold, with a single cast, a system which would not only meet existing conditions, but be sufficient for all time. We believe that we should go only so far this time as experience has demonstrated would be safe and sound, and that much danger is to be encountered by going beyond the point where experience and knowledge extend. In a question as great and broad as the vast field of transportation, extreme caution should be used in dealing with the subject. We should legislate, not with a view to finality, but with a reservation to do only that which may be required by the present, and thus gain experience for future legislation of a more permanent nature. To do otherwise might work great harm and ultimate disaster.

POLICY OF BILL IS NOT MERELY TO PERMIT BUT TO "ENCOURAGE" CONSOLIDATION

(2) Another fundamental fault with the bill is that it is written from the point of view that all consolidations are good and that all should be facilitated. The majority, in their report, frankly say:

"Argument is not necessary to support the soundness of the policy of encouraging and authorizing the unifications of railroads."

It is obvious, we submit, that unifications are not desirable merely as such, and that a consolidation or merger may be productive of great harm unless it is proper and desirable of itself and the public interest adequately safeguarded. We most emphatically dissent from the views of the majority when they say that consolidation, as such, should be encouraged. We do not believe that it should be the policy of Congress to invite and urge railroads to throw themselves at once into consolidated systems.

We believe that this invitation would be taken by the railroads throughout the country for them to hastily consolidate their properties. We are of the opinion that the passage of a law that only permits the unification of the railroads without the urge is all-sufficient and that consolidation and unification when they do come should be by a gradual and natural process. It is very much to be feared that with the passage of this bill there would be the most destructive riot of speculation in railroad securities that has ever been seen in the country. As evidence of the fact that enactment of this bill would have a tremendous influence in this direction, we have but to note the increased speculation in railroad stocks and the inflation in values since the vote of the committee to report this bill favorably.

Section 203 of the bill is too latitudinous in the grant of powers to the Interstate Commerce Commission. It clothes the commission with practically unlimited discretion in the allowance of unifications, which, in their opinion, may be in the public interest. The commission is not required to base their action upon a finding of fact, nor to form their opinion under the influence of any given set of principles. While the commission is directed to consider certain factors in reaching their conclusion, the weight which shall be given to these factors is not prescribed, nor, indeed, is it made essential that any weight at all shall be given to any or all of them. Surely Congress should not delegate to the commission, which is merely its agency, such a generous share of its own responsibilities.

A BANKER'S BILL

(3) The bill is written more from the standpoint of railroad financiers and big bankers than that of railroad operators.

The existing law, as found in paragraph 6 (b) of section 5 of the interstate commerce act, is as follows:

"The bonds at par of the corporation which is to become the owner of the consolidated properties, together with the outstanding stock at par of such corporation, shall not exceed the value of the consolidated properties as allowed by the commission."

The bill sponsored by the majority repeals this provision. In the bill as first proposed in the committee a section similar to this was introduced, but before the bill was reported it was stricken from the bill. Why, we ask. For more than 30 years many of the States have had laws forbidding a railroad corporation to have securities outstanding in excess of the value of the properties. No undue hardships have been worked on any railroad corporation. We believe that this provision should be restored to the law. There was a long fight waged in Congress before the commission was given the authority to forbid the issuance of spurious and unnecessary securities. Finally, section 20a of the interstate commerce act was passed, giving the commission full authority to approve or veto any application for issuance of securities. May we ask if this is not the entering wedge to defeat this very salient provision of the law which only demands that railroads shall hereafter be honestly capitalized? Why should a railroad company be permitted to issue stocks and bonds far in excess of the value of its properties? The railroads are glad, indeed, to have their rates set on value. Why are they not willing to have their capital based on value?

Without the repeal of this provision the commission would not have the power to allow the consolidated corporation to issue stocks and bonds in excess of the value of the properties. Will the commission take the repeal of this provision as consent of Congress for them to approve issuance of securities far in excess of the value of the properties?

In considering the proposed "Nickel Plate" consolidation the commission criticized the feature of the plan which placed control with promoters who might own less than a majority of the stock. This practice condemned in that case is legalized by the pending bill. It does not forbid the issuance of nonvoting stock, nor the control in numerous devious ways of the unified corporation by those who may own little or none of its securities. Our position is that sound public policy requires that responsibility for the control of a carrier should rest with those who own its securities, and that any different system encourages manipulation and sharp practice, harmful both to the public and to the interests of the corporation itself.

The bill does not forbid the practice of the new and ingenious device of financial manipulation in the issuance of non-par-value stock. We deem this harmful to the public as encouraging stock jobbing and speculation.

RUTHLESS VIOLATION OF STATE RIGHTS

(4) The bill, in our opinion, to the mind of anyone who has any regard for the rights of States and their power to in any way control their own creatures, should appear insuperable in the fact that it provides for a ruthless disregard of all limitations placed upon corporations by the States under which they are organized.

Sections 210 and 211 of the bill clothe carrier corporations, created by the States, with vast Federal powers. The States, in the exercise of their reserved powers, have granted certain of their sovereign authority to carrier corporations. These creatures of the States have accepted their charter powers subject to strict limitations and under corresponding responsibilities.

For instance, in the case of Nebraska and numerous other States, a carrier corporation is not permitted to acquire a competing line, while in Texas, and probably other States, the corporation is not permitted to operate outside of the State. This bill strikes down these limitations, and allows these artificial creatures of the State to hold on to powers which were conferred upon them by the State, and to accept greater and additional powers from the Federal Government, though thereby the corporation may violate the laws of its creation. The Nebraska corporation is empowered by this bill, its charter limitation to the contrary notwithstanding, to acquire a competing line of railroad. The Texas corporation is empowered to operate in other States without regard to prohibitions of the Constitution and laws of Texas.

We believe that there has really rarely been in our history a more fundamental invasion of the rights of the States than as provided by this bill, i. e., the assumption by the Federal Government of the power to clothe State corporations with Federal power, and in so doing to strike down the limitations and restrictions provided by the State for the control of its creatures. It may well be doubted that the Federal Constitution permits Congress to clothe the corporation created by a State with powers inconsistent with the laws of the State which chartered it.

Another ruthless invasion of the reserved powers of the States is found in section 214 of the bill. That section undertakes to strike down their powers of taxation, to specify wherein and how they may be exercised.

Further, the bill grants large and important Federal powers to corporations, and this without requiring the beneficiary of congressional generosity to assume any corresponding burdens or responsibilities. In short, the corporations yield no consideration whatever in exchange for the new franchises and powers which are conferred upon them. The benefits conferred are in the form of a clean gift from Congress.

It is certain that the railroad corporations now enjoy various rights and powers which neither Congress nor the States which chartered them have power to take away. Experience and modern practice recognize that certain of these powers exceed what the public interest requires that the corporation should have. These powers, now become improper and excessive, the corporations should be required to surrender, as the price of availing themselves of the benefits conferred by this bill. For instance, the public interest seems to require that a carrier corporation should hold only such powers as are reasonably required to enable it to function as such. It should not engage in dealing in merchandise or real estate or in the banking business. It should be required to give up such powers as the consideration for consolidation or merger.

Carrier corporations might well be required, as the price for the benefits conferred by this bill, to accept the valuations of their property made by the Interstate Commerce Commission, or to surrender the right to have counted, as an element of value upon which they may earn a fair return, that part of the valuation upon rights of way and other real estate which may be in excess of their prudent investment in same.

The opportunity to require concessions from the railroad corporations, which Congress is yielding up by this bill, may not come again. The failure to take hold of it now may result not only in jeopardy of the public interest, but in serious legal difficulties in the future.

The objection to Federal charters for railroad corporations is based upon a regard for States' rights. But for that principle no doubt Federal charters would already have been conferred upon such corporations.

We therefore believe that this bill is destructive of competition between carriers in service, as it will allow the consolidation of the parallel and competing lines. For instance, the so-called Loree proposal, consolidating the Kansas City Southern, the Missouri, Kansas & Texas, and the Cotton Belt, would, in our opinion, destroy practically every vestige of competition in the territory that they now serve. If those three railroads are consolidated, what reason would there be for improving the service for the reason that they would get all of the business anyway by running trains either slow or fast?

We further call attention to paragraph 2 of section 210 of the bill, which provides, among other things, that any common carrier and its officers, directors, agents, and employees shall be relieved from the antitrust laws, from all restraints and prohibitions of the laws of the United States; and, except in case of a corporate consolidation, from all restraints and prohibitions of the laws or constitutions of any State or the desires or orders of any State authority. In so far as it may be necessary or appropriate to enable such carrier or its officers, directors, and agents to enter into and carry into effect such plans.

We feel that this is one of the most unjustifiable features of the bill in that it seeks to relieve the railroads and the commission from the operation of the antitrust laws by this provision and any laws of any State or of the United States may be set aside and declared null and void in the discretion of the commission if the commission were of the opinion that it was necessary to do so in order to carry out its wishes with reference to unification. No such broad power should be granted by Congress to any man or set of men. To us it seems unthinkable that the Congress would say to any bureau or any commission that in carrying out some plan or some purpose that it be allowed to indiscriminately and at will set aside not only the specific law but all restraints and prohibitions of any law or laws of the United States.

SHORT-LINE RAILROADS

(5) In the beginning of the advocacy of railroad consolidation under the vast scope of this bill it was strongly urged in its favor that it would care for and take into the consolidated systems all weak or short lines. It is our opinion that the so-called weak and short lines are as vital to the communities that they serve as the trunk line is to the community served by it. We believe that these feeders and pioneers in the field of transportation should be preserved and fostered and that when consolidation does come and when application for consolidation is pending before the Interstate Commerce Commission that the railroads and the commission should be given to understand distinctly that it is our policy that these short and weak lines that are necessary and vital to the economic life of any community should be taken care of and the railroad management not allowed to consolidate only the properties of the rich, desirable railroads and leave these pioneer railroads to starve and become streaks of rust and these communities be destroyed. The owners of short-line railroads are hoping that they will be taken into these consolidated systems, but the testimony before the committee will not give much hope to their wish. One witness, representing one of the biggest groups in the country, in his testimony gave the committee to understand that if the Government wanted the short, weak, and unprofitable railroads to be taken care of, he desired the Government to do that itself. A weak railroad this year may be a strong, rich road

next year, mines may be opened up along its way, oil fields may be developed, and ranches turned into farms. Therefore, we repeat, why the urge and undue haste for the consolidation of railroads when time and experience may develop wholly different conditions.

BILL FAVORS MAJORITY STOCKHOLDERS

(6) This is a majority stockholders' bill. While it enables a dissenting minority to obtain payment for their stock on a valuation, it deprives them of the power of veto. Minority stockholders who have acquired shares in a corporation, which, under its charter, had no power to merge with another corporation, will find that such powers are granted by this bill. It will be a great error to assume that the unification of two or more carriers will not be made in cases in which the control of all of the corporations is held by a single group of financiers, who will show little regard for the rights of the minority, and will be moved by selfish and unfair consideration to themselves.

HOPE OF REDUCTION IN RATES

(7) The President in his message to Congress at the beginning of this session stated that the "purpose of consolidation is to increase the efficiency of transportation and decrease the cost to the shipper." Nowhere in the testimony of the railroad managers and experts who appeared before the committee is there held out the promise that rates and charges will be reduced because of consolidation. In the beginning of the discussion of the ambitious scope of this bill it was held out everywhere and at all times that in consolidation great economies would come about that would be reflected in the rate structure of the country. No testimony before the committee of the railroad managers or experts held out any promise or hope that there would be substantial, if any, reduction in rates, but all denied that freight-rate reduction would result from the operation of this bill. The economies in which the people are interested and the only one that they believe would be an economy is such economy that would be reflected in the reduction of rates. If this be true, then we ask what are the people to hope for from the passage of this bill? They may expect gigantic combinations of railroads and capital with all of its economic and political influence, with its menacing hazards, and its uncertain destiny. The measure is in line with the policy of government favored by those now in control with which we do not agree. The policy consists of abandoning, or to use a more euphonious term, delegating the real control and protection of the people's rights to this, that, and the other agency.

Before any more great grants of power are given to the commissions and bureaus of the Government it would be well to wait the outcome of the vast power we have already lodged in some of our bureaus and commissions.

We further believe that the Congress should firmly hold at all times to its rights to determine the policies of the Government and the policies and laws under which all of its creatures shall operate.

For these and many other reasons that we will later assert, we can not support the proposal.

SAM RAYBURN.
GEORGE HUDDLESTON.
TILMAN B. PARKS.
ROBERT CROSSER.
ASHTON C. SHALLENBERGER.
JACOB L. MILLIGAN.
GEORGE C. PEERY.

Mr. PARKER. Mr. Chairman, this provision in the bill was very carefully considered for many days by your committee. There is no question of doubt but what the average public that wants to ride in the motor bus should have every facility for doing so, and that there should be busses enough on the road to accommodate the public. But there is some one else to be considered beside the people who ride in busses. Because when there is one person that rides in a bus there are 25 and probably more who ride in private cars. The public has built the roads. It is aggravating to hear gentlemen talk about monopoly, as though the only thing to be considered in discussing this question is the transportation by bus. Probably many of you have been driven into a ditch by a big motor bus coming down the road. The man in a private car has some rights. Of necessity we must insert a provision in this bill whereby when the Interstate Commerce Commission says it is in the public interest, the carriers may be allowed to combine and buy out each other.

Mr. HAMMER. Mr. Chairman, will the gentleman yield?

Mr. PARKER. No.

Mr. NELSON of Maine. Mr. Chairman, will the gentleman yield?

Mr. PARKER. I yield to the gentleman from Maine.

Mr. NELSON of Maine. Is it not true that under present conditions the railroad companies either directly or through their subsidiaries are rapidly buying up the bus lines without any supervision whatever?

Mr. PARKER. Yes.

Mr. NELSON of Maine. And if this bill becomes a law, they will then have to have the approval of the commission?

Mr. PARKER. That is true.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. PARKER. Yes.

Mr. HUDDLESTON. I call the gentleman's attention to the fact that this provision strikes down the antitrust law, it strikes down the laws of every State, whereas now these carriers can not buy out competing lines. They are forbidden from doing so.

Mr. PARKER. Mr. Chairman, in answer to both gentlemen, the gentleman from Maine is entirely right. The railroads are now buying up these lines where it is lawful to do so. In many cases the bus lines are bought up and the purchaser takes a chance that it is not in violation of the Clayton Act. This bill specifically prohibits that. Any railroad or bus line that wants to buy a competing line must have the consent of the Interstate Commerce Commission if this bill passes. The Interstate Commerce Commission must find that it is in the public interest; and, personally, as I said before on this floor many times, I am perfectly willing to trust the Interstate Commerce Commission and their judgment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. HUDDLESTON) there were—ayes 46, noes 94.

So the amendment was rejected.

Mr. HULL of Wisconsin. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HULL of Wisconsin: Page 15, line 20, strike out all after the word "unlawful" and insert a period. In line 21 strike out the word "provided." Strike out all of subsection (b) of section 9 on pages 16 and 17.

Mr. MAPES. Mr. Chairman, I make the point of order that this motion comes too late. The motion already voted on is to strike out the section.

The CHAIRMAN. The Chair overrules the point of order inasmuch as this strikes out a part of the section.

Mr. HULL of Wisconsin. Mr. Chairman, this amendment is similar to that which has just been defeated, only it leaves in that part of this section which would prevent the merger of motor-bus corporations.

We have before this Congress at this time three congressional investigations of so-called mergers, trusts, or combinations in restraint of trade. Here in this bill is a provision which furnishes the opportunity to form probably one of the greatest mergers or trusts this country has ever known, and that provision not only helps to establish it, but at the same time it makes it legal.

If this provision goes through, and such a monopoly is established, we then shall have the spectacle of one of the largest monopolies in the country, appropriating our State highways, operating by special consent of Congress, and superior to all laws governing monopolies and trusts.

It is not necessary that this section shall be in the measure. It is not necessary to have a section or subsection authorizing anybody to combine one line with another, because you have other provisions of the bill for that purpose. All that it is necessary for any company owning one line to do in order to acquire another is to go before the commission and ask for a revocation of two licenses and for the issuance of another.

This whole merger provision is a stock-jobbing scheme for the purpose of doing just what the gentleman from Oklahoma recently stated—organizing motor-bus monopolies and watering the stock of those combinations. The provision of subsection (b) of this bill not only allows that, but permit it to be accomplished by any person or persons, whether or not they have any financial interest whatsoever in any motor-bus line.

In other words, it is a license, it will provide a "certificate of convenience and necessity" to promoters and their brokers who would market the stocks and bonds under such a scheme as this, and they will get busy as soon as the bill becomes a law. I hope that the amendment may be adopted, notwithstanding the apparently hostile attitude of so many here to anything that would eliminate a feature of this kind.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

The Clerk read as follows:

SECURITY FOR THE PROTECTION OF THE PUBLIC

SEC. 10. (a) No certificate or charter carrier permit shall be issued to a motor carrier, or remain in force, unless such carrier complies

with such rules and regulations as the commission shall adopt governing the filing and approval of surety bonds, policies of insurance, or other securities or agreements, in such form and adequate amount and conditioned as the commission may require, for the payment, within limits of liability fixed by the commission, of any final judgment recovered against such motor carrier on account of death of or injury to persons or loss of or damage to property resulting from the operation, maintenance, or use of motor vehicles under such certificate or permit.

(b) Upon the approval of any such bond, policy, security, or agreement there shall be issued to the motor carrier a certificate of approval, and such copies thereof as may be necessary; and no such carrier shall operate, maintain, or use any motor vehicle under a certificate of public convenience and necessity, or a charter carrier permit, unless there is posted in such motor vehicle, in accordance with such regulations as the commission may prescribe, a copy of such certificate of approval.

Mr. McSWAIN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. McSWAIN: Page 17, line 24, after the word "permit," strike out the period and add these words: "No suit brought in any State court of competent jurisdiction against any such common carrier by motor vehicle on account of death or of injury to persons or loss of or damage to property resulting from the operation, maintenance, or use of motor vehicle under such certificate or permit shall be removed into any court of the United States."

Mr. McSWAIN. Mr. Chairman, we already have a situation where the criminal jurisdiction of the United States court is vastly expanded and increased. Through the operations of this law, unless we adopt this amendment, the civil jurisdiction of the Federal courts will in like manner and in the same proportion be expanded, because these bus lines will go to some State where they run a sort of legalized charter mill and get a charter to operate busses in States other than the charter State. A judgment against these bus lines under this act is going to be good. Therefore, when a passenger is hurt or when a bus runs over your child when going from the house on one side of the road to the barn at the other side of the road, or when it damages your vehicle while on the public highway, suits will be brought, and of course, naturally, in the State courts.

That is, the defendant corporation, exercising its power under a foreign charter, will intervene by a petition, by giving a bond, and the suit will be transferred to the Federal court, and then the thing will drag along. Gentlemen who have had experience and knowledge of actions on liabilities in the Federal court will realize that that fact alone will bring about such dissatisfaction among the people toward this legislation that when the people realize that this legislation has dragged them into the Federal courts in cases of criminal liability on the one hand, and on the other hand gets them into the Federal court in cases of civil liability, they will justly complain that they have been denied justice by taking these matters out of the State courts.

Mr. MAPES. They will have the same opportunity to prosecute their cases in the State courts in these matters as they now have under existing law, will they not?

Mr. McSWAIN. I submit that under the Federal employees' liability act and under the safety act the act of removing cases from State courts to the Federal court was by act of Congress denied. The act of removal to the Federal court is not a right. It is created by act of Congress. To-day if you sue a man on a note of $2,999 you can not remove it to the Federal court, but if you sue him on a note for $3,000 you can remove the case to the Federal court. That is not a constitutional matter. It is a matter for this body to decide.

Mr. NELSON of Maine. Mr. Chairman, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. NELSON of Maine. Does not the gentleman think there are already enough difficulties about this legislation without attempting to change the procedure in the courts?

Mr. McSWAIN. I will tell the gentleman what I think. I think there are enough difficulties in this bill, as the committee has brought it in, to inspire in some of us who would like to support the bill a desire to limit the difficulties, so as to enable us to support it; and if you are going to limit it to the civil and criminal side of the Federal courts there will be lots of Members who will not support the bill.

Mr. PARKER. Mr. Chairman, I move that all debate on this section and all amendments thereto now close.

The CHAIRMAN. The gentleman from New York moves that the debate on this section and all amendments thereto be now closed. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. McSWAIN. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from South Carolina demands a division.

The committee divided; and there were—ayes 62, noes 98.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RATES, FARES, AND CHARGES

SEC. 11. (a) Tariffs of common carriers by motor vehicle covering operations under certificates of public convenience and necessity issued under this act shall be stated in money and shall be in effect only when prepared, filed, and posted in such manner as the commission shall by regulation prescribe.

(b) No such carrier shall charge or demand, or collect or receive, a greater or less or different compensation for the transportation of persons, or for any service in connection therewith, between the points named in such tariffs, than the rates, fares, or charges specified in the tariffs in effect at the time; and no such carrier shall refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified, nor extend to any person any privileges or facilities for the transportation of persons in interstate or foreign commerce, except such as are specified in such tariffs; except that any such carrier may issue or give free tickets, free passes, and free or reduced transportation to persons engaged in the service of such carrier.

(c) No change shall be made in any rate, fare, or charge specified in any tariff in effect, except after 30 days' notice of the proposed change filed and posted in like manner. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. The commission may, in its discretion and for good cause shown, allow changes upon less notice than that herein specified, or modify the requirements of this section with respect to the posting and filing of tariffs, either in particular instances or by general order applicable to special or peculiar circumstances or conditions.

(d) The rates, fares, and charges of such carriers for operations under any certificate of public convenience and necessity issued under this act shall be just and reasonable. Any person, corporation, or State board may make complaint in writing to the commission that any such rate, fare, or charge, in effect or proposed to be put into effect, is or will be unjust or unreasonable. If, after any such complaint, it is decided, in accordance with the procedure provided in section 3, that the rate, fare, or charge complained of is or will be unjust or unreasonable, an appropriate order shall be issued in conformity with such decision. No such rate, fare, or charge shall be held to be unjust or unreasonable by the commission or by any joint board, under this act, on the ground that it is unjust to a competing carrier engaged in a different kind of transportation.

(e) In any proceeding to determine the justness or reasonableness of any rate, fare, or charge of any such carrier, there shall not be taken into consideration or allowed, as evidence or elements of value of the property of such carrier, either good will, earning power, or the certificate under which such carrier is operating; and in applying for and receiving a certificate under this act any such carrier shall be deemed to have agreed to the provisions of this subsection, on its own behalf and on behalf of all transferees of such certificate.

(f) Nothing in this section shall be held to extinguish any remedy or right of action under other law.

Mr. LEA of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEA of California: Page 20, line 5, at the end of the paragraph, add "Nothing in this act shall be construed to authorize the commission to fix the rate, fare, or charge."

Mr. LEA of California. Mr. Chairman, it was not the intention of the committee that this bill should authorize the commission to fix rates. I am satisfied that it is perfectly clear under the decision of the Supreme Court that this bill does not authorize the rates to be fixed, but in order to place that question beyond controversy this amendment is offered.

Mr. RAMSEYER. Mr. Chairman, let us have that amendment reported again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LETTS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LETTS: Page 20, strike out all of paragraph (e) of section 11.

Mr. LETTS. Mr. Chairman and ladies and gentlemen of the committee, when we debated this matter a week ago the gentleman from Kansas [Mr. HOCH] asserted that there was prescribed here the same rule with respect to the process of ascertaining value as that relating to railroads. I have examined into the matter and I find that the Interstate Commerce Commission is required, in determining whether or not rates fixed by railroads are just and reasonable—

To give due consideration to all elements of value recognized by the law of the land.

If there is any doubt about that I wish to call your attention to the fact that there is a dispute between members of the committee on that point, for I find in the debate, in the remarks of the gentleman from North Dakota [Mr. BURTNESS] on Friday of last week that he asserts, in response to a question by the gentleman from South Carolina [Mr. HARE]—

The gentleman plainly overlooks the fact that the provision with reference to rates in this bill is wholly different from the mandate of Congress given to the Interstate Commerce Commission in the fixing of rates for rail carriers.

It seems clear the gentleman from North Dakota has read the railroad law.

Ladies and gentlemen of the House, I have wondered why this provision is in the bill. It is different from that which relates to any other carrier or any other public utility. It is at variance with the rules of evidence applied in any court for the ascertainment of value.

I assert that it is universally and inherently true that courts have the power to determine what are and what are not elements of value; that all elements of value must be considered in determining the value of any article, commodity, or service. It is for the courts to determine what rules of evidence shall control in determining questions of value.

We have set up here something which is in contravention of the precise, exact, and full duty of the courts in that regard. It seems likely that this provision has sprung into being because of the debate which recently occurred in another legislative body in criticism of the decision of the Supreme Court with respect to rates in the now famous Baltimore case. It is a matter of surprise to know that so many in this body believe that the Supreme Court of the United States decided that a valuation of $5,000,000 should be included in the rate base in the Baltimore rate case when, as a matter of fact, the Supreme Court held that such question had not been raised in the trial court and was not an issue for review in the Supreme Court. I assume this provision, which is contrary to any rule of law or evidence which prevails with reference to railroads or any other utility, is merely a campaign document and ought to be treated as such, and should go out of the bill. If this is a good bill it should not be loaded up with anything so unsound. If this is not a campaign document, why does the committee insert subparagraph (f), which provides—

Nothing in this section shall be held to extinguish any remedy or right of action under other law.

In other words, they set up a straw man in one paragraph of the bill and then proceed to rough him up in the next. What purpose has the provision here? It should go out. It has no place.

I want to call the attention of the Members——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LETTS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for five additional minutes. Is there objection?

Mr. PARKER. Mr. Chairman, I object.

Mr. LETTS. Mr. Chairman, I ask unanimous consent to extend my remarks and to include therein certain excerpts from the work of Woodrow Wilson on constitutional government in which he sets up his conception of the functions of courts and of the independence of the judiciary as one of the coordinate branches of this Government. My interest in this matter is largely because I conceive it to embody an unwarranted assault upon the Supreme Court.

The CHAIRMAN. The gentleman from Iowa [Mr. LETTS] asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. LETTS. Woodrow Wilson in his work on constitutional government, in referring to the courts, said:

It is clear beyond all need of exposition that for the definite maintenance of constitutional understanding, it is indispensable, alike for the preservation of the liberty of the individual and for the preservation of the integrity of the powers of the Government, that there should be some nonpolitical forum in which those understandings can be impartially debated and determined. That forum our courts supply. There the individual may assert his rights; there the Government must accept definition of its authority. There the individual may challenge the legality of governmental action and have it judged by the test of fundamental principles, and that test the Government must abide; there the Government can check the too aggressive self-assertion of the individual and establish its power upon lines which all can comprehend and heed. The constitutional powers of the courts constitute the ultimate safeguard alike of individual privilege and of governmental prerogative. It is in this sense that our judiciary is the balance wheel of our entire system; it is meant to maintain that nice adjustment between the individual rights and governmental powers which constitutes political liberty.

Mr. Wilson also says in the work mentioned:

Undoubtedly Federal judges may be mistaken and lawyers in Congress right, if the lawyers in Congress be of better stuff morally and intellectually than the judges they have recommended or allowed the President to appoint; but that simply points an old moral. No part of any government is any better than the men who administer it.

Mr. Wilson further said in speaking of the courts in their relation to public opinion:

Judges of necessity belong to their own generation. The atmosphere of opinion can not be shut out of their court rooms. Its influence penetrates everywhere in every self-governed nation. What we should ask of our judges is that they prove themselves such men as can discriminate between the opinion of the moment and the opinion of the age, between the opinion which springs, a legitimate essence, from the enlightened judgment of men of thought and good conscience and the opinion of desire, of self-interest, of impulse, and impatience. What we should ask of ourselves is that we sustain the courts in the maintenance of the true balance between law and progress, and that we make it our desire to secure nothing which can not be secured by the just and thoughtful processes which have made our system so far a model before all the world of the reign of law.

The power of our courts presents the best balance in our constitutional system. The independence of the judicial branch of our Government is highly important. It supplies the forum in which the citizen may defend his rights, even against his own Government.

Mr. PARKER. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 10 minutes.

Mr. LETTS. Mr. Chairman, I have one other amendment, about which I would like to say a few words.

Mr. RAMSEYER. Mr. Chairman, I move to amend the motion of the gentleman from New York and make it 20 minutes.

The CHAIRMAN. The question is on the amendment to the motion of the gentleman from New York.

The amendment to the motion was rejected.

Mr. RAMSEYER. Mr. Chairman, I move to amend the motion of the gentleman from New York to make it 15 minutes.

The CHAIRMAN. The question is on the amendment to the motion of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. RAMSEYER) there were—ayes 81, noes 87.

So the amendment to the motion was rejected.

The CHAIRMAN. The question is on the motion of the gentleman from New York, that all debate on this section and all amendments thereto do close in 10 minutes.

The question was taken; and on a division (demanded by Mr. MAPES) there were—ayes 84, noes 74.

So the motion was agreed to.

Mr. HOCH. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Kansas [Mr. HOCH] is recognized for five minutes.

Mr. O'CONNOR of Oklahoma. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Kansas yield for a parliamentary inquiry?

Mr. HOCH. I yield.

Mr. O'CONNOR of Oklahoma. How much time did we save by this? It took 11 minutes to save 10 minutes as I figured it out.

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. HOCH. Mr. Chairman and members of the committee, I realize that the hour is growing late and we are getting restive,

but I want to say that it seems to me this is one of the very fine provisions of this bill. The gentleman from Iowa, I think, entirely confuses the question of the franchise as related to a sale price and as to a property value to go into the rate base.

Mr. LETTS. Will the gentleman yield?

Mr. HOCH. I can not now. If it were not for the importance of this provision I would not impose on the committee at this late hour.

This is a new provision and one which is entitled to the fullest consideration. If the committee will note, it does not provide that they shall not take into consideration good will, earning power, or the certificate, but it provides that they shall not receive, as elements of value of the property of a carrier, their good will, earning power, certificate, and so forth.

Let me make an illustration, using the provision as to earning power. If a carrier, by virtue of the prosperity of its business, has great earning power, and it is shown that its returns are unreasonably high, the earning power in that case would be taken into consideration to secure a reduction of the rates.

But if you compel the capitalization of earning power and put it in the rate base as a property value upon which the carrier may be permitted to earn a return, then the more earning power the larger the rate base would be and the more the public would have to pay because of its generous patronage of the carrier. The same thing applies with reference to the franchise. What is the provision here? Not that some one who wants to buy this carrier may not take its certificate into consideration; not that, but the provision is simply this, that when the public has given free to a concern the right to operate upon the highways the public shall not be penalized because it has given the carrier something. In other words, the carrier shall not be permitted to figure this thing which costs it nothing into the capital rate base upon which it may demand a return.

The gentleman from Iowa has referred to the railroad law, but unfortunately the gentleman did not read the operative part that applies to this proposition. I read from section 15 (a) of the railroad law:

In the exercise of its power to prescribe just and reasonable rates the commission shall initiate, modify, establish, or adjust such rates so that carriers as a whole (or as a whole in each of such rate groups or territories as the commission may from time to time designate) will, under honest, efficient, and economical management and reasonable expenditures for maintenance of way, structures, and equipment, earn an aggregate annual net railway operating income equal, as nearly as may be, to a fair return upon the aggregate value of the railway property of such carriers held for and used in the service of transportation.

The commission has interpreted and applied that as meaning only the physical property which is used in the service of transportation. Whatever may be said as to its methods of valuing the physical property, it does not include the franchise or other such intangible element as a property value to be added to the rate base upon which a return is to be provided. This provision of the bill is both sound and timely.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. LETTS. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for one additional minute.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from Kansas may proceed for one additional minute. Is there objection?

Mr. PARKER. I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. LETTS].

The amendment was rejected.

Mr. LETTS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LETTS: Page 20, line 7, strike out the word "such" and insert in lieu thereof the word "common."

Mr. LETTS. Mr. Chairman, another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LETTS: Page 20, line 9, strike out the word "such" and insert "any common."

Mr. LETTS. Mr. Chairman, ladies and gentlemen, the only effect of this amendment is to make the provision which has been placed in this bill as relating to motor-bus carriers effective as to all common carriers. If the principle is good, it ought to be extended to all carriers. The argument which has been made by the gentleman from Kansas [Mr. HOCH] has but little weight unless he is willing to go along with me on this amendment and make it uniform in our law. Certainly the advantages which can be obtained by a motor-bus carrier in operating over the highways can not be compared in any degree with the franchise rights acquired by railroads in coming through the streets of our cities to their terminal stations and to their switch yards. All I ask is that this committee go on record as to whether or not it favors putting this proposition in the law to control the little motor-bus carrier and leave the big railroad carrier out of the question, the beneficiary of discrimination, the recipient of privilege, and free to profit through our inconsistencies.

Mr. RAMSEYER. Will the gentleman yield?

Mr. LETTS. Yes; I yield to my colleague.

Mr. RAMSEYER. The effect of the gentleman's amendment, then, is to extend the principle in paragraph (e) to all common carriers?

Mr. LETTS. Precisely. All carriers should be treated alike in the law.

Mr. RAMSEYER. I think that is a fair amendment.

Mr. LETTS. If we are to be fair about this thing, we have got to go that far. If it is not a good proposition for the railroads it is not a just principle as applied to the little motor-bus carrier.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. LETTS].

The amendment was rejected.

Mr. OLIVER of Alabama. Mr. Chairman, I have an amendment to offer, but I do not care to argue it.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. OLIVER of Alabama: Page 20, line 11, strike out the semicolon and insert a comma and the following, "or any property not held for or used in the service of transportation of persons on the public highways."

The amendment was rejected.

Mr. LANKFORD of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LANKFORD of Georgia: Page 20, line 10, after the word "power," insert "value as going concern, easement, right or privilege of using any highway, street, or other public thoroughfare."

Mr. LANKFORD of Georgia. Mr. Chairman, it is very unfair to the country for any committee of this House to bring in here a bill which it is neither able to defend nor has the desire to allow discussed fully by anyone with contrary views. It is true some debate has been allowed on some amendments that have from time to time been offered, but the thing that I object to is that any amendment should be voted up or down without the merits of the amendment being at least explained to the committee.

We have the spectacle here this afternoon of a committee in the saddle with enough Members blindly following to prevent anything more than the bare reading of amendments that are bona fide. In some cases no debate at all is allowed on amendments that deal with the very lives of American citizens.

This debate is cut off by those who do not know what is in the amendments and do not care. The limitations that stop debate are put through with a war whoop before the amendments are offered. Thus I am justified in saying that those in control do not care whether the amendments are good or not; they are determined to prevent their explanation.

The stampede is on with those in control, like dumb, driven cattle, rushing onward, destroying the liberties of the people, the laws of the several States, and the constitutions of the various Commonwealths. They do not care about debate or reason; they have the power, and if the bill which is about to be brought forth as the result of this reckless disregard of human rights is not corrected by some legislative body where there is deliberation, a strangle hold will be given the corporate interests on the public roads of the country from which the American people will never be able to free themselves.

I shudder for the public when I realize that their very rights to their own roads are in the balance and that the hands holding the balance are so unsteady and reckless.

Mr. Chairman, this bill to put bus transportation under the control of the Interstate Commerce Commission, to my mind, is a treacherous legislative proposal. Lurking in it are dangers of serious consequence to the public. I very much fear in a little while those of us who do not want the public overreached by corporate greed will see more and more the evils of the measure. People who at first criticized me for voting against the Esch-Cummins Railroad Act now say I was absolutely right. Some

of the same dangers that were in that bill are in this one. Some in this bill are even more dangerous than those in the Esch-Cummins Act. In the few minutes allowed me I can not discuss any of them fully.

Mr. Chairman, I wish to say a word or two before my time expires concerning the amendment just offered by me. There is one section in this bill which would safeguard the rights of the people in the enjoyment of their public roads if this committee would only allow that section to be perfected. I refer to section 11. In this wild stampede and with the utter disregard of the merits of all amendments which is so evident, I know that my amendment will be voted down and that a like fate awaits two more amendments which I shall immediately offer as soon as the pending amendment is slaughtered.

Section 11 prevents the consideration for rate-making purposes of "either good will, earning power, or the certificate under which the carrier is operating." So far so good, but why stop there? My amendment would also prevent the consideration for rate-making purposes of any "easement, right, or privilege of using any highway, street, or other public thoroughfare." With this amendment, together with two more I shall offer later, this section would be perfected and, if enacted, would be a very valuable law.

Attention is respectfully called to what is commonly called the Baltimore Street Railway case, in which our Supreme Court held that even though the constitution of Maryland prevented the capitalization of the franchise of street railways for rate-making purposes, the street railway could capitalize its right to run over the streets of Baltimore. Thus it was held that the people of Baltimore would have to pay a fare sufficiently large to yield a reasonable income on the right of the street railway to use the people's own streets.

If the proponents of this bill want it to protect the rights of the people in and to their own streets, roads, and other public thoroughfares, why not agree that this amendment be adopted? Why leave out the items I seek to include unless there is a secret purpose to allow these items to be capitalized and used as a basis for rate-making purposes? Why leave this loophole and thus invite the Supreme Court to grant the big corporate interests, which will soon own the bus lines, the right to make the people pay an income on their own public roads.

Who would favor a form of Government ownership of the railroads whereby the Government would buy the rights of way of the railroads, plus the tracks and track equipment, and then at public expense keep the tracks in splendid repair and make improvements whenever needed and at the same time allow the railroads to charge a rate that would yield the same income on the railroad, right of way, track, and equipment that is now guaranteed? You are doing more than this in this bill. You are putting in motion a bill which, if enacted, will force the people to keep in repair public roads already owned by the people and at the same time require the people to pay an income on their own property to the mighty corporations which will soon operate all the bus lines. You are at the same time giving to a body of men here in Washington the right to control the roads of the people in the several States. The big bus lines of the future will crowd the people off their own roads and make the people pay for the outrage.

I repeat, why not make this section so there will be no doubt about what it means.

Mr. Chairman, Congress should never enact a bill of so much importance as this without a definite legislative will, and that will should be definitely expressed in unequivocal language.

Why leave this question for the horde of corporation lawyers to present to the Supreme Court? Why not protect the rights of the people. I can not believe it is intended to protect the rights of the people when lawyers on this committee draw a section of so much importance in so haphazard a manner.

Surely this committee, I mean the majority of the committee—for some members of the committee are opposed to this bill—intend for this section to be nullified by the Supreme Court.

There are several portions of this bill which are most deceptive. They seem to the casual observer to be in behalf of the public, but if one will only stop and study the bill, it will soon develop that the apparently good provisions are such as will be swept aside by the Supreme Court a little later and then the bill and its purpose will stand forth in all its hideousness.

There are here and there some thin patches of sugar coating, but beneath it is as bitter as gall.

Mr. Chairman, I shall offer another amendment, which would not only prevent the bus corporations from capitalizing the people's own public roads but would give the people the benefit of all their rights to their own roads. No one can object to this amendment and at the same time have the interest of the public at heart.

Another amendment which I shall offer would prevent any railroad or other transportation line from charging on the bus line owned by it a fare to produce an income on other property owned by the railroad thousands of miles away and wholly disconnected with the particular bus line. This is also most desirable. It would certainly be in the interest of the public, all of which means it will also certainly meet defeat.

If my amendments are voted down, and the bill is neither perfected here nor elsewhere before it finally becomes law, it will be the greatest victory of the corporate interest and the greatest slaughter of the rights of the public yet enacted into law.

Let us visualize for a few seconds what will take place under this bill as now drawn.

The States in a little while will lose absolutely every vestige of control over bus transportation on their highways. It will make no difference whether the transportation be interstate or intrastate, it will be under control of people who look at transportation from the standpoint of the owner of the big bus lines and not from the standpoint of the public. The public will be paying all the expenses of road construction and upkeep, and the more the public is taxed for road construction and upkeep the more the corporations will value their rights to use the roads and the more the bus lines will charge the public for the right to use the roads. The bigger the monopoly becomes the more powerful will be its power and the more valuable will be its right to fleece the public, and the more will be the charge for the crime.

Every time a little line is crowded out or the individual bus owner is driven into bankruptcy or the corporation becomes more fully the monopolistic owner of the right to use the public roads, the more the public will be called upon to pay an income on its own property and the greater will be the charge for transportation of those we came here to protect and represent.

I know full well the fate that awaits my amendments, but I am glad that there is still some hope that this bill will yet be amended when careful consideration is given to it, and that it will not become law in such a form as to amount to an abject surrender to the corporate interest.

I am submitting my amendments not only to this committee but also to the people of our Nation, and know that those who are so anxious to vote them down will have to account to the people from time to time for their action.

The principle of this bill is wrong and as time goes by its viciousness will become more and more apparent and its awful form and hideous visage will bulk larger and yet larger before the gaze of an outraged and indignant public.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

The question is on the amendment offered by the gentleman from Georgia [Mr. LANKFORD].

The amendment was rejected.

Mr. LANKFORD of Georgia. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LANKFORD of Georgia: Page 20, at the end of section 11, add a new subsection, as follows:

"(g) There shall at all times remain in either the respective States or the United States of America, or both, for the use of the public the fee simple title, full ownership, and every easement, right, and privilege of using any and all public roads, streets, highways, and other thoroughfares over which any bus line may be permitted to operate in any way, or by any device; and in any proceeding to determine the justness or reasonableness of any rate, fare, or charge, of any such carrier there shall be taken into consideration and fullest weight shall be given in behalf of the public (a) to said title, ownership, and rights; (b) to public expenditure for maintenance, repair, and original cost; (c) to the probable damage to said public thoroughfare by the operation of said bus lines; and (d) to the incident traffic congestion and burden occasioned thereby."

The amendment was rejected.

Mr. LANKFORD of Georgia. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LANKFORD of Georgia: Page 20, at the end of section 11, add a new subsection, as follows:

"(h) No bus line or lines, or part thereof, when owned by any railroad, electric, or water transportation line, either as result of consolidation, purchase, original certificate, a charter right, or otherwise, shall be permitted or required to produce an income on any property except that used specifically for the operation of said bus line or for proper housing and convenience of the public in connection with said transportation, and no such bus line shall in any way be burdened with making or producing an income on any value or assets of any railroad, electric line, water transportation line, air transportation line, or other transportation line with which, by which, or as a part of which it may be operated; neither shall any bus line become a part and parcel of any other public-utility corporation so as to be permitted or required to produce an income on any property not owned as aforesaid and subject to the limitations herein set forth."

The amendment was rejected.

Mr. RAYBURN. Mr. Chairman, I ask unanimous consent to make a statement for one minute.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Chairman, the gentleman from Alabama offered an amendment a while ago in the confusion that was defeated and I think it was agreed by the committee, or by all who were consulted with reference to the matter, that it was an important and a necessary amendment and one that should go into the bill. I ask unanimous consent that the proceedings by which the amendment was defeated be vacated and the amendment be put on its passage again.

Mr. McSWAIN. Mr. Chairman, reserving the right to object, I desire to say I think a good many meritorious amendments have been defeated in the confusion.

Mr. LANKFORD of Georgia. Three good ones have been defeated since then. [Laughter].

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. SCHAFER of Wisconsin. Mr. Chairman, reserving the right to object, I understood that all time for debate had been exhausted and yet we have had about two minutes of debate including the propounding of a unanimous-consent request.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. SCHAFER of Wisconsin. Mr. Chairman, I object.

The Clerk read as follows:

ORDERS AND NOTICES

SEC. 12. It shall be the duty of every motor carrier to file with the board of each State in which it operates under a certificate or charter carrier permit issued under this act, and with the commission a designation in writing of the name and post-office address of a person or corporation upon whom or which service of notices or orders may be made under this act. Such designation may from time to time be changed by like writing similarly filed. Service of notices or orders in proceedings under this act may be made upon a motor carrier by personal service upon it or upon the person or corporation so designated by it, or by registered mail addressed to it or to such person or corporation at the address filed. In default of such designation, service of any notice or order may be made by posting in the office of the secretary or clerk of the board of the State wherein the motor carrier maintains headquarters and in the office of the commission. Whenever notice is given by mail as provided herein the date of mailing shall be considered as the time when notice is served.

Mr. BURTNESS. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 21, after line 12, add a new subsection, (b):

"Every such motor carrier shall file with the board of each State in which it operates the designation in writing of the name and post-office address of the person or corporation in such State upon whom process issued by or under the authority of any court having jurisdiction of the subject matter may be served in any proceeding at law or equity brought against such carrier. Such designation may from time to time be changed by a like writing similarly filed. In the event that such carrier fails to file such designation service may be made on any employee of such motor carrier within such State."

Page 20, line 18, strike out the subtitle "Orders and notices" and insert in lieu thereof "Orders, notices, and service of busses."

Page 20, line 19, before "it" insert "a" in parenthesis.

Mr. BURTNESS. Mr. Chairman, I think the reading of the amendment explains its meaning. I have consulted with other Members of the House interested in the question and with members of the committee, and all so consulted have approved it.

All it does is to make it possible in all cases to obtain legal service within the States the carrier operates in upon such carrier in the event that any person who is injured or any person has any legal claim for liability desires to sue thereon. You can readily realize that a foreign corporation might be able to conduct its business through a State in such a way as not to have an agent in that State upon whom service of process could be legally made under the general law.

Mr. MILLER. Why not designate that the person shall file it with the Secretary of State, where all foreign corporations make their filings?

Mr. BURTNESS. The reason why we make it a filing with the State utilities board is to make it consistent with the paragraph already in the section.

Mr. MILLER. It is the one part of the entire bill that provides for service of legal processes.

Mr. BURTNESS. Section 12, as it now is, provides for service of orders and notices necessary in the administration of the act and provides for a designation of an agent upon whom order can be served or to whom notice can be given, as provided therein. But, inasmuch as that designation must be filed with the board of each State, we thought it proper to make provision for a similar filing for the appointment of some one upon whom process could be served.

Mr. McSWAIN. Mr. Chairman, I want to commend the gentleman; the amendment is in the spirit of common sense and I am going to vote for it. Will not the gentleman support an amendment of mine providing that whatever court the process issues from the action shall remain in that court for trial?

Mr. BURTNESS. I am not a very good horse trader. [Laughter.]

Mr. McSWAIN. Well, I have given my horse away already in advance; but will not the gentleman help us out?

Mr. BURTNESS. I am insisting now on my amendment and hope it will be approved.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The question was taken, and the amendment was agreed to.

Mr. PARKER. Mr. Chairman, I move that all debate on this section and all amendments thereto be now closed.

The motion was agreed to.

The Clerk read as follows:

UNLAWFUL OPERATION

SEC. 13. (a) Any corporation or person willfully violating any provision of this act, or any final order thereunder, or any term or condition of any certificate of public convenience and necessity or charter carrier permit, shall upon conviction thereof be fined not more than $100 for the first offense, and not more than $500 for any subsequent offense. Each day of such violation shall constitute a separate offense.

(b) If any motor carrier operates in violation of any provision of this act, or of any final order thereunder, or of any term or condition of any certificate of public convenience and necessity or charter carrier permit, the commission or any party injured may apply to the district court of the United States for any district where such motor carrier operates, for the enforcement of such provision of this act or of such order, term, or condition; and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or by other process, mandatory or otherwise, restraining such carrier, its officers, agents, employees, and representatives from further violation of such provision of this act or of such order, term, or condition, and enjoining upon it or them obedience thereto.

Mr. McSWAIN. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. McSWAIN: Page 22, after line 10, insert a new section:

"SEC. 14. No civil action brought in any State court against any carrier of passengers by motor bus engaged in interstate commerce subject to the provisions of this act shall be removed on the motion of any such carrier into any Federal court."

Mr. MAPES. Mr. Chairman, I make the point of order that that is the same amendment that we have already voted upon.

Mr. McSWAIN. Mr. Chairman, in view of the confusion in the House I merely want to make a second track——

Mr. MAPES. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. PARKER. Mr. Chairman, I offer the following amendment as a new section, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. PARKER: Page 22, after line 10, add the following new section:

"POWERS OF STATES

"SEC. 14. (a) Nothing in this act contained shall be construed to affect the powers of taxation of the several States or to authorize a motor carrier to do an intrastate business on the highways of any State. It is not intended hereby to interfere with the exclusive exercise by each State of the power of regulation of intrastate commerce by motor

carriers on the highways thereof, and, notwithstanding this act, motor carriers operating in intrastate commerce on the highways of a State shall continue to be subject to the laws of the State regulating such intrastate commerce, and motor carriers operating in interstate commerce shall be subject to the proper exercise by the State of its police powers.

"(b) The commission while acting under authority of this act shall not have any jurisdiction or authority over intrastate commerce by motor carriers and the commission is expressly prohibited from interfering in any way with or attempting to regulate such intrastate commerce by motor carriers."

Mr. DENISON. Mr. Chairman, I wish to be heard for just a moment upon the amendment. I do not like to oppose any amendment offered by the chairman of the committee [Mr. PARKER]. This amendment is nothing more or less than a speech which is written into this bill at the request of or at least to please the State commissions. It has no proper place in the legislation. It does not change the rights of any of the parties at all. It will have this effect, however, in my judgment: It will prevent interstate motor carriers from at any time engaging in intrastate commerce. It will practically prevent interstate carriers from getting certificates from the States to do intrastate business.

It will practically require in perpetuity, unless hereafter changed, two different kinds of transportation, one devoted exclusively to intrastate commerce and one devoted exclusively to interstate commerce. Motor carriers will never be privileged, in my judgment, under this amendment, if it be adopted, to do what the railroads or the interurban carriers now do, stop and pick up or let off passengers riding in intrastate commerce. I do not think it should go in the bill. Its apparent purpose is to prevent the commission and the courts from ever applying to motor carriers the principle declared by the court in the so-called Shreveport Rate Case, with reference to railroads. I think the amendment will prove to be entirely futile. But if it does not prove to be futile it will have the effect of discouraging, if not preventing, interstate carriers from doing an intrastate business; and that would not, in my judgment, be in the public interest. The amendment will encumber the bill with a provision which is justified only by considerations of politics and expediency, neither of which have up to this time influenced the committee in drafting the bill and ought not to influence the House in considering it.

Mr. PARKER. Mr. Chairman, there is a great deal of truth in what the gentleman has said. The section was put in because the State commissions are extremely anxious that there should be no question of the Interstate Commerce Commission controlling the intrastate operation of motor busses. It specifically states that they shall not do it. That is all there is to it.

I move that all debate upon this section and all amendments thereto do now close.

Mr. KETCHAM. Mr. Chairman, will the gentleman permit the reading of the first sentence of this amendment. I think it is more than the gentleman means to convey.

Mr. STAFFORD. Under the language of the amendment, it will prevent any interstate carrier doing intrastate business.

Mr. PARKER. Mr. Chairman, I move that all debate upon the section and all amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. JOHNSON of Indiana. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Is there objection?

Mr. STRONG of Kansas. Mr. Chairman, I object.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. Without objection, the Clerk will correct the section numbers.

There was no objection.

The Clerk concluded the reading of the bill.

The CHAIRMAN. Under the rule by which we are operating, the bill H. R. 10288 has been read and no amendments are pending. The committee, therefore, automatically rises.

The committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, pursuant to House Resolution 172, had had under consideration the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways, and he reported the same back to the House with sundry amendments.

The SPEAKER. Under the rule, the previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. RANKIN. Mr. Speaker, I demand the reading of the engrossed copy.

The SPEAKER. Obviously, it is impossible to read the engrossed copy.

Mr. SNELL. Has the gentleman that right?

The SPEAKER. The gentleman has the right to demand the reading of the engrossed copy.

Mr. PARKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PARKER. Has the previous question been ordered?

Mr. SNELL. It is ordered automatically.

Mr. PARKER. Mr. Speaker, another parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PARKER. If the House should now adjourn, at what time would the bill automatically come up again for consideration?

The SPEAKER. When the House convenes the next time.

ADJOURNMENT OVER UNTIL MONDAY, MARCH 24

Mr. SNELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet on Monday.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns to-night it adjourn to meet on Monday. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUDDLESTON. In the present status of this bus bill just when will it be proper to make a motion to recommit?

The SPEAKER. Immediately after the reading of the engrossed copy, the third reading, at the beginning of the session on Monday morning.

ADJOURNMENT

Mr. PARKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 8 minutes p. m.) the House adjourned, under the previous order, until Monday, March 24, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, March 22, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON PUBLIC UTILITIES

(10.30 a. m.)

To authorize the merger of street-railway corporations operating in the District of Columbia (H. J. Res. 159).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

375. A communication from the President of the United States, transmitting an estimate of appropriation for the United States Geographic Board for $1,100 for adding to the sixth annual report the revised foreign geographic name decisions, fiscal year 1931 (H. Doc. No. 322); to the Committee on Appropriations and ordered to be printed.

376. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Employees' Compensation Commission, fiscal year 1930, amounting to $275,000 (H. Doc. No. 323); to the Committee on Appropriations and ordered to be printed.

377. A communication from the President of the United States, transmitting supplemental estimate of appropriation amounting to $120,000 for the Department of State, to remain available until expended, for completing the construction and furnishing of buildings for the diplomatic and consular establishment in Tokyo, Japan (H. Doc. No. 324); to the Committee on Appropriations and ordered to be printed.

378. A communication from the President of the United States, transmitting an amendment to supplemental estimate dated December 9, 1929, for $15,381,000 for eradication, control, and prevention of the spread of the Mediterranean fruit fly (H. Doc. No. 325); to the Committee on Appropriations and ordered to be printed.

379. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of State for the fiscal year 1930, to remain available until June 30, 1931, amounting to $30,000, for the expenses of participation by the United States in the International Fur Trade Exhibition and Congress to be held in Leipzig, Germany, in 1930 (H. Doc. No. 326); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WILLIAMSON: Committee on Expenditures in the Executive Departments. H. R. 10630. A bill to authorize the President to consolidate and coordinate Government activities affecting war veterans; with amendment (Rept. No. 951). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLEOD: Committee on the District of Columbia. H. R. 10476. A bill to define, regulate, and license real-estate brokers and real-estate salesmen; to create a real estate commission in the District of Columbia; to protect the public against fraud in real-estate transactions, and for other purposes; with amendment (Rept. No. 952). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Idaho: Committee on Irrigation and Reclamation. S. J. Res. 151. A joint resolution to authorize the Secretary of the Interior to deliver water during the irrigation season of 1930 on the Uncompahgre project, Colorado; without amendment (Rept. No. 953). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 10173. A bill to authorize the Secretary of Agriculture to conduct investigations of cotton ginning; without amendment (Rept. 954). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9378) granting a pension to John Bettridge, alias John Batteridge; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10220) granting an increase of pension to Susie Elgreta Henderson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHRISTOPHERSON: A bill (H. R. 11006) to amend section 39, Title II, of the national prohibition act; to the Committee on the Judiciary.

By Mr. DOUTRICH: A bill (H. R. 11007) to amend the act of August 24, 1912 (ch. 389, par. 7, 37 Stats., p. 555), making appropriations for the Post Office Department for the fiscal year ending June 30, 1913; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: A bill (H. R. 11008) to authorize the coinage of 50-cent pieces in commemoration of the sesquicentennial of the surrender of Cornwallis at Yorktown; to the Committee on Coinage, Weights, and Measures.

By Mr. JAMES (at the request of the War Department): A bill (H. R. 11009) to authorize the acquisition of certain land for the proper defense of the Atlantic coast; to the Committee on Military Affairs.

By Mr. RANSLEY (by request): A bill (H. R. 11010) authorizing Frank E. Webb, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco at or near the extension of Oakdale Avenue near Shag Rock at or near Hunters Point, San Francisco County, on the north, and Visitation Point, San Mateo County, on the south, to a point south of Park Street, city of Alameda, county of Alameda, Calif.; to the Committee on Interstate and Foreign Commerce.

By Mr. McMILLAN: A bill (H. R. 11011) to authorize an appropriation for the purchase and erection of a monument to the memory of Maj. Gen. William Moultrie; to the Committee on Military Affairs.

By Mr. FULMER: A bill (H. R. 11012) to provide for the commemoration of the Battle of Eutaw Springs; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 11013) to authorize the Commissioners of the District of Columbia to close streets, roads, highways, or alleys in the District of Columbia rendered useless or unnecessary, and for other purposes; to the Committee on the District of Columbia.

By Mr. FISH: A bill (H. R. 11014) to provide for the appointment of an additional judge of the District Court of the United States for the Southern District of New York; to the Committee on the Judiciary.

By Mrs. ROGERS: A concurrent resolution (H. Con. Res. 25) to appoint a joint committee of the Senate and House to represent the Congress of the United States at the celebration in commemoration of the three hundredth anniversary of the founding of Massachusetts Bay Colony in 1930; to the Committee on Rules.

By Mr. FISH: A joint resolution (H. J. Res. 276) authorizing the President of the United States to join in consultations with other signatories of the general pact for the renunciation of war; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. FULMER: Memorial of the State Legislature of the State of South Carolina, urging the passage of the Simmons-Whittington bills, S. 412 and H. R. 1877, for southern rural improvement; to the Committee on Irrigation and Reclamation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN: A bill (H. R. 11015) to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926; to the Committee on Claims.

By Mr. BACHMANN: A bill (H. R. 11016) granting a pension to John Flanagan; to the Committee on Pensions.

By Mr. CANNON: A bill (H. R. 11017) granting a pension to Alice Scott; to the Committee on Invalid Pensions.

By Mr. COLTON: A bill (H. R. 11018) for the relief of H. L. Bracken Cylinder Grinding Co.; to the Committee on Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 11019) granting an increase of pension to Eleanor E. Boyd; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 11020) granting a pension to Ollie McGuire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11021) for the relief of William J. Dillon; to the Committee on Naval Affairs.

By Mr. FISH: A bill (H. R. 11022) for the relief of Sterrit Keefe; to the Committee on Naval Affairs.

By Mr. FRENCH: A bill (H. R. 11023) granting a pension to Amanda E. Wade; to the Committee on Pensions.

By Mr. HASTINGS: A bill (H. R. 11024) to correct the military record of Isaac S. Smith; to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 11025) granting an increase of pension to Sarah J. Helms; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 11026) authorizing the Secretary of the Interior to exchange certain lands to Elmer Tilden; to the Committee on the Public Lands.

By Mr. IRWIN: A bill (H. R. 11027) granting an increase of pension to Sarah Holbrook; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 11028) granting an increase of pension to Walter G. Roberts; to the Committee on Pensions.

By Mr. KENDALL of Kentucky: A bill (H. R. 11029) granting a pension to Nancy Hiley; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 11030) granting an increase of pension to Mary J. Wagner; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 11031) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols; to the Committee on Claims.

By Mr. LEECH: A bill (H. R. 11032) granting a pension to Susan C. Botts; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 11033) for the relief of Thomas Allen; to the Committee on Pensions.

By Mr. LETTS: A bill (H. R. 11034) to extend the measure of relief provided in the employees' compensation act of September 7, 1916, to Leroy B. Westphal; to the Committee on Claims.

Also, a bill (H. R. 11035) granting a pension to Mary Heckle; to the Committee on Pensions.

By Mr. McREYNOLDS: A bill (H. R. 11036) granting a pension to Maggie Carter Brackett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11037) for the relief of Lewis Stiles; to the Committee on Military Affairs.

By Mr. MOORE of Kentucky: A bill (H. R. 11038) granting a pension to George W. Smith; to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 11039) granting an increase of pension to Hannah M. Mounts; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 11040) granting a pension to Mary V. Patterson; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 11041) granting an increase of pension to Matilda Gomes; to the Committee on Invalid Pensions.

By Mr. SHORT of Missouri: A bill (H. R. 11042) granting a pension to Dicy M. Snyder; to the Committee on Invalid Pensions.

By Mr. WELCH of California: A bill (H. R. 11043) for the relief of Rawley Clay Allen; to the Committee on Naval Affairs.

By Mr. WIGGLESWORTH: A bill (H. R. 11044) granting a pension to Guy H. Bisbee; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5930. By Mr. ALLEN: Petition of certain citizens of Moline, Ill., urging speedy consideration and passage of House bill 2562 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5931. By Mr. BLOOM: Petition of citizens of Cincinnati, Ohio, opposing the calling of an international conference by the President of the United States, or the acceptance by him of an invitation to participate in such a conference, for the purpose of revising the present calendar, unless a proviso be attached thereto definitely guaranteeing the preservation of the continuity of the weekly cycle without the insertion of the blank days; to the Committee on Foreign Affairs.

5932. By Mr. BOHN: Petition of citizens of Onaway, Mich., urging immediate consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5933. Also, petition of citizens of Gladstone, Delta County, Mich., urging immediate consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5934. By Mr. BRUNNER: Petition of the Hebrew Women's Aid Society of Flushing, N. Y., urging Congress to bring out the Rankin bill, H. R. 7825, on the floor of the House at the earliest possible moment and giving their strong indorsement to this bill; to the Committee on World War Veterans' Legislation.

5935. By Mr. COCHRAN of Pennsylvania: Petition of John D. Mildrew and other residents of St. Marys, Elk County, Pa., urging the passage of Senate bill 476 and House bill 2562 to provide increased pension for veterans of the Spanish War period; to the Committee on Pensions.

5936. By Mr. CONNERY: Petition of citizens of Peabody, Mass., asking for increase in pensions for Spanish War veterans; to the Committee on Pensions.

5937. By Mr. DOUGLAS of Arizona: Petition signed by 68 residents of Maricopa County, Ariz., in support of legislation providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5938. By Mr. DOUGLASS of Massachusetts: Petition of citizens of East Boston, Mass., urging the early enactment of the pending Spanish War veterans' bills, known as Senate bill 476 and House bill 2562 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5939. By Mr. EATON of Colorado: Petition signed by 82 voters of Denver, Colo., urging passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5940. By Mr. FENN: Resolutions of the Common Council of the City of Bristol, Conn., favoring the passage of House Joint Resolution 167, establishing October 11 of each year as General Pulaski's memorial day; to the Committee on the Judiciary.

5941. By Mr. FULLER: Petition of citizens of Gravette, Benton County, Ark., urging the speedy consideration and passage of House bill 2562 and Senate bill 476, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5942. Also, petition of W. N. Canfield and other citizens of Brentwood, Washington County, Ark., urging the speedy consideration and passage of House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5943. By Mr. FULMER: Resolution passed by Columbia Unit of the American Legion Auxiliary, Columbia, S. C., Sara L. Kreps, legislative chairman, in behalf of House bill 9411, proposing to establish a veterans' hospital in South Carolina; also House Joint Resolution 220, providing for the appointment of a commission to investigate and report upon the universal draft bill; also the Johnson bill, H. R. 10381; to the Committee on World War Veterans' Legislation.

5944. By Mr. GOODWIN: Petition of O. W. Alvin and 71 other citizens and residents of North Branch, Minn., expressing their interest and indicating their desire that House bill 2562 and Senate bill [illegible] be promptly passed by the Congress of the United States, said measures providing for increased rates of pension to the patriotic men who served in the armed forces of the United States during the Spanish-American War period; to the Committee on Pensions.

5945. By Mr. HADLEY: Petition of a number of citizens of Everett, Wash., urging increased rates of pension for veterans of the Spanish War; to the Committee on Pensions.

5946. By Mr. HANCOCK: Petition of Rev. Henry C. Sears and other residents of Cortland County, N. Y., in favor of House Joint Resolution 20; to the Committee on the Judiciary.

5947. By Mr. JAMES: Petition of citizens of Houghton County, Mich., petitioning favorable action on legislation for increasing rates of pension to the men who served in the Spanish War; to the Committee on Pensions.

5948. By Mr. KENDALL of Pennsylvania: Petition of certain citizens of Indian Head, Melcroft, and adjoining towns in Fayette County, Pa., asking for favorable consideration to Senate bill 476 and House bill 2562; to the Committee on Pensions.

5949. By Mr. KIESS: Petition from citizens of Jersey Shore, Pa., favoring Senate bill 476 and House bill 2562 to increase the pension of Spanish-American War service men; to the Committee on Pensions.

5950. By Mr. LEAVITT: Petition of C. F. Burtsfield and other citizens of Kalispell, Mont., and vicinity favoring increased rates of pension for veterans of the Spanish-American War and widows and orphans of veterans; to the Committee on Pensions.

5951. By Mr. LEECH: Petition of citizens of Portage Borough and Portage Township, Cambria County, Pa., urging the passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5952. By Mr. LETTS: Petition of Charles A. Schesser and other citizens of Bettendorf, Iowa, urging the passage of pension legislation in behalf of the Spanish-American War veterans; to the Committee on Pensions.

5953. By Mr. LINTHICUM: Petition of Rev. Oscar Thomas Olson, of Mount Vernon Place Methodist Church, Baltimore; Rabbi Morris S. Lazaron, of Baltimore; and William R. Price, of Baltimore, indorsing Capper-Robsion bill; to the Committee on Education.

5954. Also, petition of Maryland Lumber Co., the Dulany-Vernay Co., the Price Co., and L. M. Kantner, all of Baltimore, Md., indorsing Capper-Kelly fair trade bill, H. R. 11; to the Committee on Interstate and Foreign Commerce.

5955. By Mr. MAPES: Petition of 72 residents of Grand Rapids, Mich., recommending the early enactment by Congress of Senate bill 476 and House bill 2562, providing increased rates of pension to veterans of the war with Spain; to the Committee on Pensions.

5956. By Mr. MURPHY: Petition of Rev. B. J. Yorke and 58 other residents of Carrollton, Carroll County, Ohio, urging the speedy consideration and early passage of Senate bill 476 and House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5957. By Mr. OLIVER of New York: Petition of the Fordham-Bedford Park Community Council, petitioning Congress to memorialize the Soviet Government of Russia to cease its persecution of religious organizations; to the Committee on Foreign Affairs.

5958. By Mr. FRANK M. RAMEY: Petition of Local Union, No. 1576, United Mine Workers of America, Nokomis, Ill., urging the passage of Senate bill 3257 regarding old-age pensions; to the Committee on Pensions.

5959. By Mr. STONE: Petition of 18 residents of Tonkawa, Okla., asking Congress to pass favorably on House bill 9233 to

prescribe a certain prohibition oath; to the Committee on the Judiciary.

5960. Also, petition of 16 names of residents of Altus, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5961. Also, petition of 26 names of residents of Douglass, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5962. Also, petition of 20 names of residents of Lawton, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5963. Also, petition of 21 residents of the town of Oklahoma City, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5964. Also, petition of 33 residents of the town of Camargo, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5965. Also, petition of 35 names of residents of the town of Enid, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5966. Also, petition of 97 residents of Hobart, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5967. By Mr. STRONG of Kansas: Petition of Charles T. Smith and 41 citizens of Salina, Kans., in support of legislation providing increased pension to Spanish War veterans; to the Committee on Pensions.

5968. By Mr. WOLVERTON of West Virginia: Petition of the Woman's Christian Temperance Union, of Richwood, W. Va., Jessie Pullen, president; Minnie McKenzie, secretary, urging Congress to enact a law providing for the Federal supervision of motion pictures before production to establish higher standards; to the Committee on Interstate and Foreign Commerce.

5969. By Mr. YON: Petition of J. C. Halles, J. M. Cooper, D. D. Hoyt, W. F. Hoyt, J. L. Wilkerson, and others, of Pensacola, Escambia County, Fla., urging the passage of House bill 2562 granting an increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

SENATE

SATURDAY, *March 22, 1930*

(Legislative day of Monday, January 6, 1930)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Kean	Schall
Ashurst	George	Kendrick	Sheppard
Baird	Glass	Keyes	Shortridge
Barkley	Glenn	La Follette	Smoot
Bingham	Goff	McCulloch	Steck
Black	Goldsborough	McKellar	Steiwer
Blaine	Gould	McMaster	Sullivan
Blease	Greene	McNary	Swanson
Borah	Grundy	Metcalf	Thomas, Idaho
Bratton	Hale	Moses	Thomas, Okla.
Brookhart	Harris	Norris	Townsend
Broussard	Harrison	Nye	Trammell
Capper	Hastings	Oddie	Tydings
Caraway	Hatfield	Overman	Vandenberg
Connally	Hawes	Patterson	Wagner
Copeland	Hayden	Phipps	Walcott
Couzens	Hebert	Pine	Walsh, Mass.
Dale	Heflin	Pittman	Walsh, Mont.
Dill	Howell	Ransdell	Waterman
Fess	Johnson	Robinson, Ind.	Watson
Fletcher	Jones	Robsion, Ky.	Wheeler

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent.

Mr. HARRISON. I wish to announce that my colleague the junior Senator from Mississippi [Mr. STEPHENS] is detained from the Senate by illness.

Mr. SHEPPARD. The junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

I also desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the London Naval Conference.

I also wish to announce that the junior Senator from Tennessee [Mr. BROCK] is necessarily detained from the Senate on account of illness.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-three Senators have answered to their names. A quorum is present.

RESIGNATION OF DISTRICT ATTORNEY MEYER IN SOUTH CAROLINA

Mr. BLEASE. Mr. President, some days ago Senators McKELLAR and BROOKHART, in discussing the manner in which one of the district attorneys of South Carolina conducted the office, were not very complimentary.

I have this morning received the presentment of the grand jury at the March, 1930, term of the court at Columbia, S. C., and the remarks of the Hon. J. Lyles Glenn, presiding judge, following the same.

I ask that they be read from the desk, so they may appear in the RECORD.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

The grand jury at the present March, 1930, term of this court at Columbia, S. C., made the following presentment:

"The grand jury at its March, 1930, session of court at Columbia, S. C., wish to go on record commending the present district attorney, Hon. J. D. E. Meyer, for the efficient manner in which he has conducted the office of district attorney for the past six or eight years.

"We also go on record as deploring the fact that he sees fit to resign this position. In his resignation we believe that the Department of Justice for the eastern district of South Carolina is losing a valuable employee.

"O. C. PLEXICO, *Foreman.*"

Hon. J. Lyles Glenn, presiding judge, then remarked to the grand jury:

"Mr. Foreman and gentlemen of the grand jury, I am glad that you have expressed in a written statement what you thought about the resignation of the district attorney. Your action being entirely your own, without suggestion, has a special value. The court will have your presentment recorded as part of its record. The court further says that while it has been in its present position for a short time—as a matter of fact, less than a year—it heartily agrees with your findings. During the time that I have been judge I have formed the same opinion of the district attorney. During this time he has been a capable, efficient, and faithful public servant.

"You, being an impartial body, called together from all over the district, representing in a peculiar way the citizens of South Carolina, I am sure your free and voluntary action in submitting this resolution will be a source of great satisfaction to the district attorney.

"I am glad that you saw fit to take this action."

A true copy.

Attest:

[SEAL.]

RICH'D W. HUTSON,
Clerk United States District Court,
Eastern District, South Carolina.

PERSONNEL OF AMERICAN DELEGATION TO NAVAL CONFERENCE

Mr. BLEASE. Mr. President, I ask unanimous consent to offer the following resolution, and I ask for its immediate consideration.

The VICE PRESIDENT. The clerk will read the resolution for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 242), as follows:

Resolved, That the Acting Secretary of State be, and he is hereby, requested to furnish to the Senate the names of all the Americans representing this Government in the naval parley now being held in London, together with the names, addresses, and occupation of the secretaries, stenographers, and other attachés accompanying them; and what the expense per diem is of each of the said parties, and what their respective duties are.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. SHORTRIDGE. I object. I think the resolution had better go over.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Objection has been made, and the resolution will go over.

Mr. WALSH of Montana. I wanted to suggest to the Senator from South Carolina that I think resolutions of this kind asking information of the Secretary of State usually incorporate the clause "if not incompatible with the public interest."

Mr. BLEASE. I think it is compatible with the public interest that we should know not only what is going on over there but what it is costing the taxpayers of the country.

The VICE PRESIDENT. The resolution will go over under the rule.